United Nations S/PV.3975

Security Council

Fifty-fourth Year

Provisional

3975th Meeting

Wednesday, 10 February 1999, 4.15 p.m.

New York

President:	Mr. Fowler	(Canada)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Al-Dosari
	Brazil	Mr. Felicio
	China	Mr. Chen Xu
	France	Mr. Dejammet
	Gabon	Mr. Dangue Réwaka
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. Kooijmans
	Russian Federation	Mr. Granovsky
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Ms. Soderberg

Agenda

The situation between Eritrea and Ethiopia

99-85094 (E)

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The meeting was called to order at 4.15 p.m.

Tribute to the memory of King Hussein of Jordan

The President (*interpretation from French*): On behalf of the members of the Security Council, I should like to express profound grief and sorrow at the death of His Majesty King Hussein Ibn Talal of the Hashemite Kingdom of Jordan. King Hussein's entire life was dedicated to a devoted service to his country and a tireless search for peace, stability and understanding in the Middle East. His loss will be greatly felt.

On behalf of the Security Council, I should like to convey to His Majesty King Abdullah, the bereaved family and the people of Jordan the Council's profound condolences.

I now invite the members of the Council to rise and observe a minute of silence in tribute to the memory of His Majesty King Hussein Ibn Talal of the Hashemite Kingdom of Jordan.

The members of the Security Council observed a minute of silence.

Expression of thanks to the retiring President

The President (*interpretation from French*): As this is the first meeting of the Security Council for the month of February, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Celso Amorim, Permanent Representative of Brazil to the United Nations, for his service as President of the Security Council for the month of January 1999. I am sure I speak for all members of the Security Council in expressing deep appreciation to Ambassador Amorim for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

The situation between Eritrea and Ethiopia

The President: I should like to inform the Council that I have received letters from the representatives of Eritrea and Ethiopia, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Menkerios (Eritrea) and Mr. Mohammed (Ethiopia) took seats at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/1999/133, which contains the text of a draft resolution prepared in the course of the Council's prior consultations. I should like to draw the attention of the members of the Council to the following other documents: S/1999/97, S/1999/117 and S/1999/128, letters dated 29 January, 5 and 8 February 1999, respectively, from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council; S/1999/104, S/1999/115, S/1999/119 and S/1999/131, letters dated 2, 4, 5 and 9 February 1999, respectively, from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council; and S/1999/126, letter dated 8 February 1999, from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the Security Council.

The first speaker on my list is the representative of Ethiopia, to whom I give the floor.

Mr. Mohammed (Ethiopia): I wish to congratulate you, Sir, on your assumption of the presidency of the Council. I also wish to thank your predecessor for his excellent leadership of the work of the Council last month.

It has now been almost nine months since the Eritrean regime committed an act of aggression against Ethiopia and occupied Ethiopia's territory by force. While fully recognizing its own right, as a sovereign country, to defend itself, Ethiopia, however, chose to seek a diplomatic solution to the crisis. Accordingly, as the Council knows full well, Ethiopia accepted peace proposals aimed at ending the dispute peacefully. In

particular, the Council is fully cognizant of Ethiopia's acceptance of the Organization of African Unity (OAU) Framework Agreement, of which the Council, in its resolution 1226 (1999) of 29 January 1999, expressed its full support and called for full implementation without delay.

It is common knowledge, and the Council knows this very well, that Eritrea has rejected virtually all peace proposals and continues to create confusion by pretending that it remains engaged in the OAU process.

The facts speak for themselves. During the past nine months there has never been a single occasion when the Eritrean regime was engaged positively and constructively to resolve the crisis between Eritrea and Ethiopia. On the contrary, it left no stone unturned to frustrate all peace endeavours at all levels, including through well-known games and tactics, including the blackmail of mediators.

During the past nine months the Eritrean regime has not only consistently sabotaged and rejected all peace proposals, but has also carried out provocative military actions in order to create an atmosphere of general crisis and to divert the attention of the international community from the core issue: Eritrea's withdrawal from Ethiopian territory. It is exactly for that reason that the Eritrean regime launched a large-scale military action, including the aerial bombing of the town of Adigrat on 4, 5 and 6 February while the Special Envoy of the Secretary-General was in the region to persuade Eritrea to accept the OAU Framework Agreement.

In this regard, I wish to draw the Council's attention to my letters of 4 and 5 February 1999 and their annexes, in which I inform the President of the Council of these latest Eritrean military actions against Ethiopian military positions and civilian targets. Under these circumstances, and in view of Eritrea's continuous acts of provocation, the Ethiopian Government has had no option but to exercise its legitimate right of self-defence, as clearly stipulated in Article 51 of the Charter of the United Nations.

I now wish to briefly comment on the draft resolution before the Council. My delegation welcomes the fact that the Council reaffirms its resolution 1226 (1999), in which it strongly urged Eritrea to accept the OAU Framework Agreement without delay. I also welcome the fact that the Council has once again stressed that the OAU Framework Agreement remains a viable and sound solution for the conflict between Ethiopia and Eritrea.

We should also put on record our reservation in the strongest possible terms with regard to paragraph 7 of the draft resolution. It is a well-known fact that Ethiopia is a victim of Eritrean aggression and that its territory has been illegally occupied through the use of force for over eight months — as a result of which it is now engaged in an exercise of legitimate self-defence under Article 51 of the Charter of the United Nations — and it is patently contrary to elementary principles and a sense of justice to place the aggressor and the victim of aggression on the same footing and to call for the cessation of arms sales to both countries.

In this connection, we should recall how Ethiopia was treated by the League of Nations back in 1936, when the organization imposed an arms embargo on both fascist Italy and Ethiopia, knowing full well that fascist Italy — the aggressor — was self-sufficient in arms, while Ethiopia — a poor country — was trying to defend its sovereignty against a major European Power of the time.

History is repeating itself. It is well known that since Ethiopia does not have and would not have any relations with rogue States, it has no arms supplies. Calling for a cessation of arms sales to both Ethiopia and Eritrea when the latter retains intact its sources of arms — States whose commitment to international law is highly questionable at best — is, in effect, directed solely against law-abiding Ethiopia, a country without any source of arms supplies whatsoever. Moreover, it is clear that Eritrea is a country with a long coastline, while Ethiopia is a landlocked country. It does not require any stretch of the imagination to see which country can continue to import arms despite any call for a cessation of arms sales to both countries. Again, paragraph 7 of the draft resolution is, in the final analysis, targeted against Ethiopia.

Let me conclude by stating that our infinite patience and readiness to cooperate with parties working for a peaceful resolution of the dispute — in spite of our being a victim of aggression — should not be mistaken as a slackening of our resolve to defend our sovereignty.

The President: I thank the representative of Ethiopia for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Eritrea, to whom I give the floor.

Mr. Menkerios (Eritrea): I am honoured to address the Security Council at this meeting to consider the current draft resolution on the Eritrea-Ethiopia conflict. Indeed, my Government appreciates the serious concern of the Council over the conflict between Ethiopia and Eritrea and the dangerous level to which it has been escalated by the Ethiopian Government. Eritrea further welcomes the Council's decision to be actively seized of the issue.

My Government has presented in writing its considered reaction to the last resolution concerning the conflict between Eritrea and Ethiopia — resolution 1226 (1999) — and I need not repeat it here. Needless to say, the concerns to which Eritrea tried to alert the Council in its presentation have unfortunately come to pass. Ethiopia has broken the de facto truce that had existed since June and restarted an all-out offensive against Eritrea.

It is a fact known to members of the Council that Eritrea has constantly and consistently called from the outset of this conflict for a renouncement of the threat and use of force, for a firm, irreversible commitment to a peaceful and legal solution of the conflict and for a binding ceasefire or cessation of hostilities so that an atmosphere conducive to the continuation and success of the peace process can be created. Such calls were repeated by the international community, including the Council. Sadly, these calls were adamantly rejected by Ethiopia. Nonetheless, Eritrea continued to engage in good faith with all peace endeavours by concerned parties, while reaffirming that despite Ethiopia's constant threats and declared preparations for war, it would never shoot unless shot at.

My country has been shot at and has been forced to defend itself in the current all-out offensive that the Ethiopian regime has unleashed on it. Indeed, the fact that Ethiopia intended and was preparing to do just that was never hidden from the international community. Consistent with its Parliament's standing declaration that unless Eritrea unilaterally and unconditionally withdraws from its own territory that Ethiopia claims, Ethiopia will make it do so by force, the Ethiopian Government has — going from bad to worse — escalated this conflict from a containable border skirmish to an all-out war.

The fact that Ethiopia started this current offensive and violated the United States-brokered moratorium on air attacks has been ascertained by all those who have followed and witnessed its final preparations and the actual launch and conduct of the current offensive — contrary to its useless but usual attempt to deny it. We are sure that this fact cannot be unknown to members' Governments as well, as representatives of the diplomatic community in either or both countries, including those of Council members' Governments, have followed or witnessed the facts for themselves.

Summarizing the overwhelming independent eyewitness reports of the developments on the ground, Global Intelligence Update writes,

> "Ethiopia launched an offensive against neighbouring Eritrea on February 6, ostensibly aimed at retaking the disputed border area of Badme."

The Update goes on to warn,

> "The problem for international organizations attempting to broker a peace treaty between the two countries is that the dispute is not that simple. Ethiopia has not expended an estimated $300 million on arms since last June simply to retake a desolate patch of rocks."

Concerning the violation of the moratorium on air strikes, none other than President Clinton, the broker and thus custodian of that moratorium, has clearly indicated that it is Ethiopia that did so. He said:

> "I am particularly alarmed by the recent use of air power, which escalates the conflict and violates the agreed moratorium. I urge the Ethiopian Government to refrain from further use of its aircraft as currently employed along the border."

A myriad of independent on-site witnesses of the Ethiopian air bombardment of towns and other civilian centres, including camps set up for deportees from Ethiopia, some 30 kilometres away from the war front, have reported the death of innocent civilians and the devastation of property such bombings are causing.

The danger that Ethiopia's all-out war poses for the security of the entire region and beyond, in addition to its immediate negative consequences on the process to achieve a peaceful resolution of the border dispute, cannot escape members of the Council. While these remain the facts and consequences of the Ethiopian Government's persistent recourse to force, it is indeed tragic and regrettable that the Security Council, the very body entrusted with ensuring international security, would gloss over this danger and not condemn the Ethiopian

regime for its irresponsible resort to force to resolve what, indeed, is a border conflict. Not to do so, to allow the Ethiopian regime to continue to wage war with impunity in violation of another country's sovereignty, would only encourage Ethiopia, as it has done so far, to continue on its warpath, with very grave consequences. The Security Council will then have to share responsibility for those consequences.

Ethiopia alone bears full responsibility for the start and escalation of this conflict to a full-scale war, including by starting the current offensive. Eritrea urges the Security Council to take note of this fact and act appropriately.

The President: It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/1999/133) before it. If I hear no objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Bahrain, Brazil, Canada, China, France, Gabon, Gambia, Malaysia, Namibia, Netherlands, Russian Federation, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1227 (1999).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 4.35 p.m.

United Nations S/PV.3976

Security Council
Fifty-fourth Year

Provisional

3976th Meeting
Thursday, 11 February 1999, 5.10 p.m.
New York

President:	Mr. Fowler	(Canada)
Members:	Argentina	Ms. Ramírez
	Bahrain	Mr. Al-Dosari
	Brazil	Mr. Valle
	China	Mr. Chen Xu
	France	Mr. Dejammet
	Gabon	Mr. Eboumy
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. Hamer
	Russian Federation	Mr. Granovsky
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Burleigh

Agenda

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/1999/88)

99-85100 (E)

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The meeting was called to order at 5.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/1999/88)

The President (*interpretation from French*): The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the situation concerning Western Sahara, document S/1999/88.

Members of the Council also have before them document S/1999/130, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

(*spoke in English*)

It is my understanding that the Council is ready to proceed to the vote on the draft resolution (S/1999/130) before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Bahrain, Brazil, Canada, China, France, Gabon, Gambia, Malaysia, Namibia, Netherlands, Russian Federation, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1228 (1999).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.15 p.m.

United Nations S/PV.3977

Security Council
Fifty-fourth Year

Provisional

3977th Meeting
Friday, 12 February 1999, 10 a.m.
New York

President:	Mr. Axworthy	(Canada)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Valle
	China	Mr. Qin Huasun
	France	Mr. Dejammet
	Gabon	Mr. Dangue Réwaka
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. van Walsum
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Burleigh

Agenda

Protection of civilians in armed conflict

99-85106 (E)

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The meeting was called to order at 10.30 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Cornelio Sommaruga, President of the International Committee of the Red Cross.

There being no objection, it is so decided.

I welcome Mr. Cornelio Sommaruga and invite him to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of any objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Carol Bellamy, Executive Director of the United Nations Children's Fund (UNICEF).

There being no objection, it is so decided.

I welcome Ms. Carol Bellamy and invite her to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Olara Otunnu, Special Representative of the Secretary-General for children and armed conflict.

There being no objection, it is so decided.

I welcome Mr. Otunnu and invite him to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear briefings by Mr. Cornelio Sommaruga, President of the International Committee of the Red Cross; Ms. Carol Bellamy, Executive Director of UNICEF; and Mr. Olara Otunnu, Special Representative of the Secretary-General for children and armed conflict, regarding the protection of civilians in armed conflict.

I give the floor to the President of the International Committee of the Red Cross, Mr. Cornelio Sommaruga.

Mr. Sommaruga (International Committee of the Red Cross) (*interpretation from French*): I wish to thank you, Mr. President, for inviting me to address you today. This is undoubtedly clear evidence of the complementarity that exists between the Security Council's political action and the humanitarian, independent, impartial and neutral work of the International Committee of the Red Cross (ICRC).

I am delighted to be able to say this, just as I am delighted at the convergence of views expressed at the Council's meeting on 21 January, when the Council heard the Under-Secretary-General for Humanitarian Affairs, Mr. Sergio Vieira de Mello. We should be encouraged by the reaffirmation that political and humanitarian action need to follow clearly distinct paths. As we seek to fulfil our respective goals, we must all renew our efforts to protect and assist all those who, in every part of the world, are not or are no longer participants in the conflicts that are devastating our planet yet who are the victims of these conflicts.

Nonetheless, I feel obliged to echo certain concerns which were expressed here on 21 January. Does this interest in humanitarian affairs not mask a certain feeling of impotence at the magnitude of the task that confronts us? We all know that those organizations which are striving to deliver protection and assistance to victims of armed conflicts are unable to cope on their own with situations whose very size and extreme complexity are beyond them.

The topic which I should like to address today, as you indicated, Mr. President — protection of civilians in armed conflicts — is at the heart of my organization's concerns. This year, which marks the fiftieth anniversary of the Geneva Conventions, it is more necessary and important than ever that we reflect on this theme.

The ICRC is faced today with 20 open conflicts the world over, in many of which civilians are the first and

principal target. Women, children, the elderly, the sick, refugees and internally displaced persons have been attacked in large numbers and methodically driven from their homes. They have suffered from conflicts in which every conceivable means, even the most reprehensible, has been and is still being used against them.

Genocide, "ethnic cleansing", attacks on humanitarian personnel and the repudiation of the principles of humanity, impartiality, independence and neutrality have become increasingly prevalent. At the same time, the politicization, "instrumentalization" and devaluation of humanitarian action are making it more difficult than ever for us to assist all victims. This insidious trend has been observable in the Great Lakes region, in West Africa, in the Balkans, in the Caucasus and in certain Asian countries. The full horror of the consequences is familiar to us all. The unimaginable pain borne by the populations in these areas can leave none of us indifferent. Not only that, it compels us to take action on their behalf.

And then, as in the Caucasus, there are situations where neither war nor peace prevails and millions of people are unable to return to normal life. Driven from their homes, they have been waiting for years for a negotiated solution to put an end to their misery. The basic infrastructures required for daily living no longer exist. The land cannot be cultivated because it is mined or too close to the front lines. The political, economic and psychological consequences of these stalled conflicts must not be underestimated. They will ultimately lead to new cycles of violence whose principal victims will once again be civilians. If there is no sustained effort to achieve peace, the slide back into war seems inevitable. We need only think of the recent return to hostilities in Angola or between Ethiopia and Eritrea.

When negotiations are getting nowhere it takes a lot to convert a ceasefire into lasting peace. The same tragic situation could easily be repeated tomorrow in other parts of the world.

Furthermore, there are conflicts where humanitarian action has always been or has recently become impossible because Governments or other parties to the fighting see humanitarian action as interference in their internal affairs or as dictated by political concerns. Worse still, the presence of humanitarian organizations is sometimes refused so that there will be no witnesses to mass slaughter. In such cases, humanitarian workers are no longer seen as the bringers of help but rather as unwelcome observers.

Sadly, the same workers are more and more frequently prevented from doing their job when they themselves come under serious assault. There is no question of our becoming resigned to such incidents, in which so many people engaged in humanitarian endeavour have been injured or even killed, because these incidents, too, are serious violations of international humanitarian law. I have said this many times before, and I wish to reiterate it here and now: such conduct is unacceptable. This point cannot be made often enough to all those concerned, just as they need to be reminded that the protective emblems of the Red Cross and Red Crescent must be respected at all costs.

On 21 January, in this Council, the importance of basing humanitarian work on the principle of impartiality was rightly underlined. Humanitarian assistance cannot be used as an instrument for bringing political pressure to bear on any party to a conflict. It is indeed my wholehearted conviction that any humanitarian work is most effective when free of all political bias. The ICRC took this stance in Somalia. It is taking the same stance now in Afghanistan, where my organization, with the support of numerous national Red Cross and Red Crescent societies, is the only international agency reaching out to all victims, in every part of the country, even those of the recent earthquake. This was also true in Sri Lanka and Congo-Brazzaville, to cite just a few other examples.

Finally, it is also important to consider the phenomena of economic globalization and the privatization of tasks that were previously the responsibility of States. These phenomena have also created new situations and raised some burning issues: What are the duties of economic groups that raise their own security forces to protect their interests? What political responsibilities do States have when such economic groups encroach on their areas of jurisdiction? There is no easy answer to these questions, but it must be recognized that the authority of the State and the notion of collective security, which is a cornerstone of the Charter of the United Nations, are dangerously weakened. In this connection, I welcome the fact that Secretary-General Kofi Annan, present today, has called on economic players not to remain indifferent to the problems caused by this new state of affairs, a call I myself have made on several occasions.

(*spoke in English*)

These rather pessimistic observations must not be a cause for gloom. On the contrary, they are a reminder that at least the ICRC, notwithstanding the difficulties, is able each day to offer protection and assistance to hundreds of thousands of people. They should also give us pause for thought on what can and must be done if the plight of civilians caught up in armed conflicts is to be alleviated. Allow me to look briefly at a few of these issues.

The States parties to the Geneva Conventions undertake in common article I to respect the Conventions and to ensure their respect. This article is in every way the primary expression of the respect due to those who are not, or who are no longer, taking an active part in hostilities. While it is addressed to the individual States parties to the Conventions, it also concerns, I believe, their collective action under the auspices of the Security Council.

The early 1990s saw more and more instances of peacekeeping forces being deployed by the United Nations or regional organizations. Despite the many intrinsic advantages of such interventions, it is my view that they have sometimes led, as a political, military and humanitarian amalgam, to a certain amount of confusion. They have also demonstrated how crucial it is to make peacekeepers familiar with the relevant principles of human rights and international humanitarian law. A Secretary-General's bulletin on the observance of international humanitarian law by members of United Nations forces has been prepared by the Office of Legal Affairs jointly with the ICRC. I hope very much that this can be promulgated before the fiftieth anniversary of the Geneva Conventions.

Members will agree that this is just as much a legal as an ethical issue: legal because of the undertakings of the States parties to the Geneva Conventions; ethical because troops deployed by the United Nations are required to set an example by scrupulously complying with international law. In order to respect and ensure respect for the law, one must first understand it. Through its programme of dissemination to the armed forces, the ICRC has for many years been raising awareness among those who bear arms all over the world. It has been doing the same for civilian populations, with a particular emphasis on targeting young people.

What is needed, then, is to remind all States and all parties to conflicts of their duty to protect civilians from the effects of war. And we must not overlook the major responsibility of the Security Council in this domain.

If the principles of humanitarian action are to be fully respected, aid workers must have access to people affected by conflicts. Where these people are also suffering from economic sanctions imposed on their country, caution must be exercised. Nothing can justify punishing an entire population for its Government's misdeeds. It is not the ICRC's place to comment on the use of economic sanctions per se; however, it is duty-bound — a duty which it has frequently carried out — to request exemptions to sanctions so that needy populations can receive humanitarian assistance. I am again in full agreement with the Secretary-General, who has said that sanctions are known on occasion to have tragic consequences for civilian populations. The ICRC therefore welcomes the fact that the Security Council has instructed the sanctions committees to examine the humanitarian impact of sanctions on the most vulnerable groups.

The ICRC operational budget for the year 1999 is marginally lower than that for 1998. This decrease is no cause for celebration, since it does not indicate that the needs of populations in conflict zones have declined. On the contrary, it is caused by the fact that in a number of conflicts where our work and our principles are rejected out of hand, as is the case in Sierra Leone, the ICRC is finding it increasingly difficult to gain access to the victims whom it seeks to protect and assist. What is more, far too little political attention is being given to conflicts in certain parts of Africa and Asia.

We must take care to avoid classifying victims as good or bad. We must constantly bear in mind one basic fact: irrespective of where a given conflict is taking place, there will always be human beings who are suffering and who require protection and assistance.

The bottom line for any action by humanitarian organizations is that it must have received the consent of each and every party concerned. This is why the ICRC seeks to establish, maintain and consolidate close contacts with all belligerents, both Government forces and others. The purpose is to engage them in constructive dialogue as to their duty to respect the rights of protected persons. It is therefore very disturbing to note that there is an ever greater tendency to demonize the enemy. This is, I believe, dangerous and makes the work of humanitarian organizations even more hazardous and problematic. Once again, our activity must not be influenced by partisan interests; we must aim to serve only those people to whom we have an obligation, and those are the victims.

There is a need to examine potential sources of conflict and take whatever measures are necessary before it is too late. I am convinced that conflicts can be prevented if full compliance with human rights instruments can be guaranteed. The ICRC has neither a mandate nor the resources to devote itself to this task, but it is doing its humble best to promote the elementary rules of international humanitarian law and their core underlying principles, which are ethical principles, among those who hold the key to the world's future: our children. The Executive Director of the United Nations Children's Fund (UNICEF) and the Special Representative of the Secretary-General for Children and Armed Conflicts will certainly address this topic later on.

I cannot close without recalling again that 1999 marks the fiftieth anniversary of the signing of the modern Geneva Conventions, now ratified by 188 States. To mark the occasion, the ICRC has opted for a project involving consultation among a large number of people caught up in conflicts. By speaking out, they should emphasize the fact that there are rules and that even wars have limits. I have no doubt that they will remind politicians and humanitarian players alike of their responsibilities. The twelfth of August of this year, which is the anniversary date, will be the ideal time to launch a call for humanitarian law to be strengthened. Though it may not be perfect, this law does exist and remains entirely valid.

Finally, this autumn in Geneva, the 27th International Conference of the Red Cross and Red Crescent will give the whole Red Cross movement and all the States party to the Geneva Conventions an opportunity to recommit themselves wholeheartedly to rules which are universally recognized.

What suffering civilians are expecting from us all is that we provide incontrovertible proof that all our declarations on the importance of, and compliance with, existing law are being translated into fact. "*Res non verba*" must be our motto. Let us leave to our children and our children's children the prospect of life in a world where greater justice prevails.

The President: I now call on the Executive Director of the United Nations Children's Fund (UNICEF), Ms. Carol Bellamy.

Ms. Bellamy: The actions pursued by the Security Council on the related themes of conflicts in Africa, promoting peace and humanitarian action have set the stage for today's discussion on protecting civilians. The United Nations Children's Fund (UNICEF) appreciates very much the significance of the Council's attention to this issue, and we are grateful for the opportunity to speak to it as it relates to children and women.

In the space of about four years, the scope of UNICEF's humanitarian activities has almost quadrupled — from 15 countries convulsed by conflict to over 50. Our work in these places is closely coordinated with allied agencies, including the Office of the United Nations High Commissioner for Refugees, the World Food Programme, the Office of the United Nations High Commissioner for Human Rights, the Office for Coordination of Humanitarian Affairs and the Special Representative of the Secretary-General for Children and Armed Conflict, as well as the International Committee of the Red Cross and numerous other non-governmental organizations.

UNICEF is operational before, during and after armed conflicts, and so we have seen how the same children that we have helped nurture, immunize and educate are now being systematically targeted and brutalized — many of them recruited as killers or pressed into service as porters and sexual slaves. Others end up maimed or psychologically traumatized.

This horrific abrogation of child rights is simply intolerable. Yet simply saying so is not enough. That is why the Security Council's recent Presidential Statement on children and armed conflict is so very important, for it has helped greatly elevate the relevance of these concerns to international peace and security, and it has opened new opportunities for improving standards for child protection while strengthening humanitarian assistance.

In this connection then I would like to propose a series of elements that would make up a peace and security agenda for children.

First, we must end the use of children as soldiers.

Over 300,000 children, girls as well as boys, have participated as combatants in the 30 most recent conflicts. Many are recruited; others are abducted. Some join simply to survive. Many of these children, some less than 10 years old, have witnessed or taken part in acts of unspeakable violence, often against their own families or their own communities.

In establishing 18 as a minimum age for participation in its peacekeeping operations, the United Nations has set an important precedent — one aimed at ensuring the highest standards for the Organization. The United Nations has further recommended that this policy serve as an example for police and military forces worldwide.

UNICEF wholeheartedly supports this position. We are mindful of the sensitivities within the Security Council concerning the recruitment issue. But we would be derelict if we did not reiterate, in the strongest possible terms, that until the minimum age of recruitment is universally set at 18, the ruthless exploitation of children as soldiers will continue.

At the same time it must be acknowledged that the reasons that give rise to children's participation in armed conflict are often the very causes of the conflicts themselves: poverty, discrimination, displacement and marginalization. Yet these reasons do not justify inaction.

Preventing the recruitment of children is as important as demobilization. Both objectives require a long-term commitment to education and vocational training and attention to psycho-social needs, as well as to reuniting children with their families. Without these elements, children are easily remobilized.

At the same time, peace agreements and peacekeeping operations must include full-fledged demobilization programmes specifically designed for child soldiers. These must be aimed not only at reclaiming and destroying weaponry, but also at providing former child soldiers with material benefits and vocational alternatives.

We have already made a start. Through programmes such as birth registration campaigns, family reunification, dialogue with non-State parties and psycho-social support, UNICEF programmes in a number of countries are helping to heal children who have participated in conflicts.

Education — I wish to emphasize this — is an extremely important tool in these efforts. In Tanzania's refugee camps, for example, where children from Rwanda, Burundi and the Democratic Republic of the Congo attended schools under trees, we have found reaffirmation that education helps to re-establish stability even in the midst of chaos, not only for children but for families. I might point out, though, that in many cases donors classify education as development and not as activity that would take place in the course of the humanitarian emergency, very often denying the funds for the kind of work that could help so much to prevent some of these problems.

Secondly, we must protect humanitarian assistance and we much protect humanitarian personnel.

UNICEF and its partners on the ground struggle daily with the task of gaining humanitarian access to endangered civilian populations — a struggle made all the more difficult as the issue of access, as the Council has heard, becomes politicized. This is why we need to vigorously promote political solutions while finding innovative ways to reach civilians at risk, of whom children and women continue to make up the vast majority. Of the nearly 25 million refugees and internally displaced people, 80 per cent are women and children. Many of them are trapped in the highly militarized environments found in camps for refugees and the displaced, where children and women are especially vulnerable to violence and sexual assault, and boys to forced recruitment.

We have already reached tens of thousands of children and women using such programmes as "corridors of peace" and "days of tranquillity" in regions like Central America, South Asia and the Middle East, as well as through the principle of Operation Lifeline Sudan and through agreements like the recent United Nations accord to supply humanitarian relief to people in previously unreached parts of the Democratic Republic of the Congo.

Our work is informed by the internationally recognized principles of humanity, impartiality and neutrality. To ensure that these principles always guide our actions, we have just launched training programmes in humanitarian principles for staff, agency and non-governmental organization partners who provide direct support to children in conflict situations. We must also take steps to improve the safety and security of humanitarian workers.

In their efforts to protect civilians, our courageous United Nations staff members — indeed, aid workers generally — have been increasingly targeted for violent attack, murder and rape. Their right to use communications systems for their own operations has been denied in some instances. United Nations property has been looted with impunity, with losses exceeding many tens of millions of dollars. If a peace and security agenda for children is to be effectively implemented, this must stop.

At the same time, all United Nations staff members must be given proper training in how to cope with the lawlessness and violence that awaits them. UNICEF, together with the Office of the United Nations High Commissioner for Refugees, has invested quite heavily in this area. We are pioneering the development of an incident-tracking system and we have distributed security-awareness training programmes to over 200 duty stations. But these measures are, I might say, only a beginning and, by themselves, they cannot begin to meet the security needs of the 30,000 United Nations staff members in the field.

Third, we must support humanitarian mine action. Repatriation, which is fundamental to any peace process, cannot be conceived of, let alone undertaken, without the requisite resources and commitment to clearing mine fields along repatriation routes and in destination areas. Yet, in places like Cambodia, there are twice as many anti-personnel mines as children.

UNICEF welcomes the coordinating role played by the United Nations Mine Action Service and we are working closely with a group of United Nations partners to ensure mine-awareness education, victim assistance and rehabilitation for children and communities. We currently support such programmes in every region of the world.

Moreover, the Ottawa Convention has immense potential to bring about dramatic improvements in affected communities. That is why we are so fiercely committed to promoting its widest implementation. We are concerned, however, that many affected countries will require United Nations assistance to meet their Convention obligations. Political will and donor support in these areas will be critical for a coordinated response.

Fourth, we must protect children from the effects of sanctions. In the interests of children, sanctions should not be imposed without obligatory, immediate and enforceable humanitarian exemptions, along with mechanisms for monitoring their impact on children and other vulnerable groups. In all countries under comprehensive economic sanctions, the inadequacy of current provisions has resulted in alarming rates of child malnutrition and in child and maternal mortality. These inadequacies must be addressed.

We welcome the Security Council's recent call to monitor the humanitarian impact of sanctions on children and to create more efficient exemption mechanisms. We believe that child-impact assessments are central to this and should be carried out before, during and after sanctions are imposed.

Humanitarian assistance represents just less than 5 per cent of all of the goods presented for Sanctions Committee exemption. I would therefore underscore the need to develop a list of essential humanitarian goods for exemption, and I would urge that those items include educational supplies.

Fifth, we must ensure that peace-building specifically includes children. In concluding peace agreements, we have an opportunity to ensure that peace-building activities are developed in conformity with human rights and humanitarian norms, while promoting respect for these standards by non-State entities. While respect for child rights is rarely mentioned in peace agreements, it is noteworthy that the peace processes in El Salvador and in Guatemala reached agreement on human rights and on the need for national and international verification mechanisms.

It is true that much more could have been done to address children's special needs. But at the same time, important precedents were set that we very strongly support. The United Nations Verification Mission in Guatemala (MINUGUA), for example, pursued projects to strengthen child-rights institutions that ultimately led to the creation of a special Government office to promote awareness of child rights, to investigate violations, to monitor public institutions providing services for children and to influence legislation to ensure conformity with Guatemala's obligations under the Convention on the Rights of the Child. We believe that support for such activities should be extended further to other national institutions, which would include police and judicial systems.

Sixth, we must challenge the impunity of war crimes, especially against children. Children's recruitment as members of armed forces, their rape and slaughter and the targeting of their schools and hospitals are recognized by the International Criminal Court Statute (ICC) for what they are: heinous atrocities. Ratification of the ICC Statute is a major priority for us and we will work to ensure the Statute's effective implementation at the national level through training and support for legislative reform. The ICC Statute's entry into force this year would be, we believe, the most significant commemoration of the fiftieth anniversary of the Geneva Conventions as well as of the tenth anniversary of the Convention on the Rights of the Child, and would indeed be a fitting way to mark the arrival of the next millennium.

Seventh, we must promote early warning and preventive action for children. Early warning and preventive action can help deter human rights violations as well as defuse situations that might lead to armed conflict. International field personnel, including military, civilian and humanitarian, are often the first to witness egregious violations against children and women. Yet the procedures and mechanisms to assess, report, monitor, prosecute and remedy them are woefully inadequate. Deploying human rights field monitors and observers in preparatory missions and with field operations should be considered a fundamental aspect of all Security Council efforts to promote peace and to resolve conflicts. To be effective, these components should be adequately resourced and staffed to handle child rights and gender-based violations.

To this end, we have developed a training package on gender and child rights protection in complex emergencies. These are presently being used by the Department of Peacekeeping Operations and several national peacekeeping training institutes. We have made similar material available to the Kosovo Verification Mission of the Organization for Security and Cooperation in Europe (OSCE) and, at a country level, for example in Mozambique, we are working with the United Nations Development Programme on child rights, gender and juvenile justice training for the police. Most important, we must support the establishment of permanent independent national institutions that will protect human rights and reinstitute the rule of law in the transition to democratic governance.

The protection of children in armed conflict must be framed by the standards and norms embodied in international human rights instruments and humanitarian law. We have that framework in the Convention on the Rights of the Child. It is not only history's most universally embraced human rights treaty, but the only one that explicitly incorporates humanitarian law. In this connection, therefore, let me conclude with these urgent recommendations:

We must ensure that children are always identified as an explicit priority in all efforts to build peace and resolve conflicts, whether as part of demobilization mandates or observer missions or in concluding peace agreements. In current practice, I would point out, children are officially overlooked. For example, the United Nations Observer Mission in Sierra Leone (UNOMSIL)'s latest human rights assessment of the shocking situation in Freetown, which I read last night, focuses almost exclusively on violations against children and women. Yet the Mission's mandate fails to address their desperate need for special protection. Likewise, the United Nations Operation in Mozambique made no mention of children in either the demobilization or humanitarian aspects of its mandate. And by the same token, the United Nations Mission in Angola did not include children in the demobilization, disarmament or demining aspects of its mandate.

We must move towards ending the use of child soldiers by continuing to press strongly for an international requirement that raises the age of recruitment to 18.

We must protect children from the effects of sanctions.

We must secure full implementation of the global ban on anti-personnel landmines.

We must achieve a dramatic reduction in the availability of small arms and light weapons, which only serve to sustain war and conflict and whose portability is a major factor in the ease with which children are transformed into combatants.

We must ensure that there be specialized child-rights training and codes of conduct for all — all — military, civilian and peacekeeping personnel, so that they will understand their legal responsibilities to all children, including the need to shield them from egregious violations of their rights.

We must make adequate resources available to ensure the safety and security of humanitarian personnel.

And we must ensure that those who commit war crimes against children are brought to account before a fully empowered International Criminal Court.

UNICEF stands ready to support the work of the Security Council in any way possible and, as well, to keep it fully informed.

Let me say in closing how much we appreciate the Council's concern with the issues of civilians in armed conflict, especially the plight of children and women. We are confident that this discussion will enhance mutual understanding of the issue and will lead to greater and more active cooperation.

The President: I would now like to give the floor to the Special Representative of the Secretary-General for Children and Armed Conflict, Mr. Olara Otunnu.

Mr. Otunnu: I thank the Security Council very much for asking me to join in this briefing.

All civilians deserve and need the protection of the international community, but children deserve particular attention because they are the most innocent and powerless sector of vulnerable populations and because destroying children in this context is destroying the future of our society; but also simply because children suffer disproportionately in these situations.

Just witness these figures. In the course of the last decade, as the Council knows, more than 2 million children have been killed in situations of conflict, more than 1 million have been orphaned, more than 6 million have been permanently or seriously injured, 12 million have been made homeless and more than 10 million are estimated to be suffering from grave psychological and emotional trauma. But even as we speak now, more than 300,000 children in over 30 conflict situations in the world are serving as child soldiers. More than half the total population of displaced persons — both those displaced within their national borders and those who have crossed their national borders — are children. More than 800 children are estimated to be killed or maimed every month by landmines; and, indeed, the worst forms of trauma and violation — rape and other forms of sexual violence — are routinely committed against women, especially young women, in situations of conflict. These are the reasons why we must especially focus on the particularly vulnerable situations of children.

I wish to devote the rest of my remarks to what can be done, what measures the international community might explore to reverse this trend of abomination.

The first measure, on which my colleague Sergio Vieira de Mello briefed the Council only a few weeks ago, is the absolute imperative of having access to populations in distress. When communities are cut off from the outside world and are isolated, that is when they are most vulnerable and when abuses take place and multiply. So the international community must insist on access by humanitarian agencies to bear witness, quite simply, to provide succour to those who are in need and to monitor the real application of both the international and local standards that apply to the conduct of war.

Second, we have to promote the concept of children as a zone of peace. In practical terms this implies two kinds of measures. The first is that the locales where children predominate, such as schools, hospitals and playgrounds, should be regarded as battle-free zones. In this context, I am very pleased that the Statute of the International Criminal Court now makes it a war crime to target or violate those locales. But, secondly, it also means that even if we may not in particular situations be able to bring war to an end, we should at least promote the idea of humanitarian ceasefires and of a break in hostilities to allow for inoculations and evacuations and to allow for children to be given special protection. The ideas that are now being explored in this context with colleagues in the United Nations Children's Fund (UNICEF) and the World Health Organization in the context of the Congo are something that I hope the Council will strongly support.

Third, there are situations where — in the midst of ongoing conflict — parties in conflict, including non-State actors, have made commitments to take certain measures that can increase the space of protection for children. They have made commitments not to recruit and use children, not to interfere with access to relief supplies by populations within their zones of control and not to target civilian populations. The challenge now is how to ensure that these parties in conflict are encouraged and given incentives to honour these commitments. There is a collective role for the Security Council in that context, and there are individual roles for Governments represented within the Security Council and within the United Nations in this regard.

What can Governments do? Governments have very important lines of communication to parties in conflict, including non-State actors. Governments have influence that really matters on the ground. In an interdependent world, I believe that no party in conflict can remain indifferent if concerned Governments and the Security Council make a concerted effort for them to know that it matters whether or not they honour the commitments that they have made.

Fourth, we must explore how the initiatives that are now taken within countries can be translated into neighbourhood initiatives. What do I mean by this? I have been to a number of countries in the course of the past year and I have tried to undertake some commitments and initiatives on the ground. But I have also been increasingly struck by certain cross-border activities: the recruitment, abduction and transfer of children across borders; the illegal flow of arms, especially light weapons; the flow of landmines; and also the flow of displaced persons to and fro. It is impossible to protect civilian populations, especially children,

exclusively within national boundaries. We must therefore identify certain neighbourhoods — neighbouring countries — and take initiatives that will bring about commitments on the part of neighbouring countries, as well as insurgency groups active within those zones, to forgo some of their activities and to take certain measures that provide for the protection of children.

With my colleagues within the United Nations, including UNICEF, we are already exploring how we might initiate such initiatives in the neighbourhood of the Intergovernmental Authority on Development (IGAD) in eastern Africa, Sierra Leone, Liberia and, certainly, in the neighbourhood of the war theatre in Kosovo.

Fifth, I could not agree more with the observation that has been made by my colleagues that one of the striking features of peace agreements up to now is the conspicuous absence of any mention of the needs and protection of children. And yet we know, as I have indicated, that children suffer disproportionately in the midst of conflict. In the aftermath of conflict it is they who are the most dominant presence within a society, children who need to be taken care of. I therefore hope that every effort will be made, in a more systematic way, to encourage parties in conflict and to promote the incorporation of the issue of the protection and the needs of children in peace agendas, meaning, at the stage when negotiations are taking place.

My office has begun some preliminary discussions in the context of both Burundi and Colombia, and we hope that with the Council's support and the support of other friends of Burundi and Colombia it might be possible to incorporate the issue of the protection and the needs of children in these two situations where children have suffered especially badly.

Sixth, we have the recruitment and use of children, and there are three elements involved in this. The overall strategy must be to eradicate the use of children in conflict situations. But there are three elements that are important in achieving that strategy. One is obviously the raising of the age limit for recruitment and participation from 15 to 18, and I remain most active in promoting a consensus on this issue. But that is not sufficient. Secondly, it is important for the international community to mobilize a movement, a movement of pressure, that can lean on parties in conflict and that can help protect children in present theatres of conflict where children are being abused. That is essentially a political project, as distinct from the juridical project of raising the age limit. Thirdly, and this is equally important, we know that there are social, economic and political factors that create the conditions that facilitate the exploitation of children in this fashion. We must address those economic and social factors as well. These three elements together will help us in moving to eradicate the use and abuse of children in this way.

Seventh, I have been quite struck in my visits to many countries by the fact that the single most vulnerable group consists of those who are displaced within the borders of their country, and by the fact that there is, as of now, no agreed framework for providing protection for these people. Yes, there are arrangements for providing relief, and that is most welcome, but there is no framework for providing protection to these populations. I have been discussing this with both the Office of the United Nations High Commissioner for Refugees and with my very good friend Mr. Francis Deng, the Secretary-General's Special Representative for Internally Displaced Persons. The international community has a challenge, an urgent challenge: as we speak, there are more people displaced internally, within their countries, than those who have crossed borders and have become refugees. A framework must emerge for the protection of this most vulnerable of groups.

Eighth, there is the issue of the importance of local value systems. There are two pillars on which we must fasten our claim for the protection of civilian populations. One pillar has been referred to already by my colleagues: international humanitarian and human rights instruments, such as the Geneva Convention, the Convention on the Rights of the Child, the recently adopted Statute of the International Criminal Court, and so on. That is an important, probably the primary pillar. But there is a second pillar, about which we hear less, though I hope we might hear more. In many societies facing the challenge we are describing, there are values, there are norms that have germinated in the local soil, that speak to the protection of civilian populations, and especially of women, children and the elderly. I am reminded of the words of a Kenyan elder who, observing the atrocities committed in situations such as those we are describing, said, "In our tradition, men fight men. But now they are targeting women, children, and the elderly." This was the lament of a Kenyan elder. So we must work to promote this other pillar and, where that pillar has been undermined, and in some cases collapsed, work to help local communities and elders resuscitate that pillar. On these two pillars we must build our claim for the protection of women and children.

Ninth, it is very clear that the ground is often prepared for the massive violation of civilians through the demonization of the other community, through hate campaigns, political rallies and political tracts, on radio, and on television. These signs are visible and audible. The international community must make a more concerted, systematic effort to repudiate these signs when they begin to appear.

Finally, tenth, there is dialogue with the business community, because we have seen that in some of the worst theatres of conflict where children and women are being targeted there are active business dealings going on, in timber, in gold, in diamonds, in the sale of light weapons. I am not talking of all theatres of conflict. I am talking of Sierra Leone, I am talking of Angola, I am talking of the Democratic Republic of the Congo and of the Sudan — theatres where we especially see the worst manifestation of victimization of civilian populations. Is it possible to encourage the business community to have a serious dialogue around this issue, to perhaps develop voluntary codes of conduct within their own industry that can address their contribution, however indirect, to fuelling the machine that victimizes and violates women and children?

Let me say, in conclusion, that I believe two things are very important for the Council as it looks at this issue. One, the era now ending has been an era of the elaboration of international instruments. A very impressive body is in place, and many of those instruments have been referred to. The era we are entering must be one of application. A child in Sierra Leone is not impressed by all the instruments we cite here, unless the application of those instruments and values makes a difference to his or her life on the ground. I hope the Security Council collectively and Members represented within the United Nations will invest their influence in that direction.

Finally, I very much hope that the Security Council will undertake to follow up systematically on the commitments made in the discussion of a few weeks ago, the discussion today, and the most important initiative taken by the Council last June and the presidential statement on the impact of war on children. I hope that the commitment represented in those initiatives will inform the ongoing business of the Council, and will especially inform the work of the Council when it decides on specific crisis situations and elaborates specific mandates.

I am at the Council's disposal to help it move forward with this project.

Mr. Türk (Slovenia): Mr. President, I wish to begin by expressing our appreciation to you and to the delegation of Canada for the creativity and work which made the present briefing possible.

I also wish to express our gratitude to Mr. Cornelio Sommaruga, President of the International Committee of the Red Cross, to Ms. Carol Bellamy, Executive Director of the United Nations Children's Fund, and to Mr. Olara Otunnu, the Special Representative of the Secretary-General, for their introductory statements. Indeed, the quality of these statements is such that one would wish them to initiate not only an open briefing of the Security Council, but a full-fledged open orientation debate, which would allow all interested Member States to participate. Active participation of all the interested United Nations Members could help the Security Council in the effort to develop appropriate policies for the future, and we hope that that participation will be there when we move on with our tasks.

The basic aim of United Nations humanitarian action should be human security, with the key to security being physical rather than only legal protection. The current spirit of resolve in the Council to make progress in that direction should lead to real improvement. A variety of new efforts are needed, both within the United Nations framework and in other settings. It is appropriate today, therefore, to mention the initiative of a group of like-minded States, under the leadership of Canada and Norway, which is determined to give full meaning and specific practical expression to the concept of human security. Slovenia will continue to participate in that initiative to the best of its ability. We hope that time will bring concrete results in addition to those already achieved in such areas as international mine action and international criminal justice.

Today's Security Council discussion is focused on the question of protection of civilians in armed conflict. This, in my opinion, has at least two important implications.

First, it involves the responsibility of the Security Council, which, according to the United Nations Charter, has the primary responsibility for international peace and security. In other words, the Council's task is to prevent military conflicts and, if they occur, to make a meaningful contribution towards their resolution. Furthermore, the Council has a responsibility after military conflicts end, to enable the transition to post-conflict peace-building.

The primacy of these essentially political and military tasks of the Security Council must always be borne in mind. When addressing humanitarian issues, the Security Council must avoid the trap of using humanitarian action, or humanitarian discussions, as a substitute for the necessary political or military action. Above all, the Council must always be aware that preventive action is preferable to any kind of cure. I am reiterating these principles not only for conceptual clarity but also, and above all, because of their practical relevance to the way the Council deals with various situations on its agenda and to the topic being discussed today.

The second implication of today's discussion is the need for a full understanding of the importance of protection of civilians in contemporary armed conflicts. The protection of civilian populations requires action, and action is very often a matter of necessity. For the Security Council, this means that its powers must be used adequately. Furthermore, protection of civilians in armed conflict requires a variety of forms of cooperation among States and their cooperation with the Security Council and with humanitarian organizations.

At the stage when conflict prevention is still possible, cooperation among States requires the ability to develop a unified approach and bring the necessary pressure to bear with the aim of making peaceful solutions more realistic and military options less likely.

In situations characterized by humanitarian problems resulting from existing military conflicts, a variety of actions that are sometimes termed "medium alternatives" may be necessary, such as providing police and other personnel to guarantee security in refugee camps and developing appropriate peacekeeping mandates, to mention just two of the possible options.

In some military conflicts it is necessary for the Security Council to be able to build the resolve of the international community to use Chapter VII measures in order to protect civilians, including those measures that require the use of force. On the other hand, when deciding on comprehensive economic sanctions, the Security Council must provide for the necessary humanitarian exemptions.

Careful and timely use of the instruments and powers which the United Nations Charter has made available to the Security Council is the most effective contribution the Council can mal o conflict prevention and limitation and consequently to tecting civilians. The Security Council is a unique body with unique powers which have to be used wisely and effectively.

The preceding remarks were made in an effort to maintain the focus on the role of the Security Council while addressing a variety of issues relating to the protection of civilians in armed conflict, including those pertaining to the implementation of international humanitarian law. Respect for humanitarian law is essential and an obligation of all States. The President of the International Committee of the Red Cross reminded us of article 1 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which reads:

> "The [188] High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances."

Article 13 of Protocol II Additional to the Geneva Convention, which relates to the protection of victims in non-international armed conflicts, expressly prohibits all attacks against civilians. These are important and basic obligations that have to be given specific meaning.

I do not wish to attempt a systematic legal analysis of the current problems in international humanitarian law. The Security Council is certainly not the most appropriate forum for such an analysis. On the other hand, there is a need for the Security Council to address a basic, and I should say existential problem of international humanitarian law today.

The Security Council has been reminded many times that the gap between the rules of humanitarian law and its application has never been wider. Deliberate attacks against civilians have become a basic feature of many contemporary armed conflicts. The fate of children as victims of war is particularly appalling. The basic rules of humanitarian law are being deliberately violated. In some situations described by the Special Representative of the Secretary-General on children and armed conflict, even the most basic ethical norms and value systems traditionally respected in all societies are disregarded. This situation of what the Special Representative has called "ethical vacuum" has the potential of undermining the entire edifice of international humanitarian law.

This problem must be of the utmost concern to the Security Council. What can we do? At present, I believe that we need to understand the problem more fully. Therefore we support the proposal for a report by the

Secretary-General, containing specific suggestions and proposals, to the Security Council, acting in its sphere of responsibility, with the aim of improving the physical and legal protection of civilians in armed conflict. We believe that such a study need not repeat the analysis of already well-researched questions relating to the legal structure of international humanitarian law, but it should focus on the basic existential problems of international humanitarian law today and should help the Security Council in devising policies for the future.

The basic premise here should be that current humanitarian law already comprises all the necessary principles and basic rules. Additional norm creation need not be a priority. It is necessary to avoid the temptation to redefine already defined war crimes and crimes against humanity. However, some norms need to be strengthened, such as, for example, the prohibition of recruitment into armed forces of children below the legal minimum age for recruitment, or the norms related to the prohibition of military action against areas declared safe havens for the civilian population. Norms which require strengthening are not too numerous but they are essential, and efforts in that regard are necessary.

On the other hand, measures intended to give effect to substantive norms of humanitarian law require further elaboration and practical implementation. These include the tasks which will make the future International Criminal Court an effective institution, and the development of mechanisms of cooperation among States which will enable the realization of the idea advocated by, among others, the Secretary-General of the United Nations of holding combatants financially liable to their victims. Such practical ideas, which may require new, ambitiously conceived forms of international cooperation, should be among the priorities of a possible study by the Secretary-General.

Such mechanisms will inevitably require long-term and sustained action and will to a large extent involve the Security Council in the future. At the same time, the Council will have to ensure better implementation of its own basic functions in the maintenance of international peace and security, such as those to which I referred in the first part of my statement. I hope that today's discussion will represent a real contribution in that regard.

Mr. Eldon (United Kingdom): First I should like to welcome you, Mr. President, most warmly to this Council meeting. The United Kingdom very much appreciates and supports Canada's initiative in arranging this briefing and the commitment that you personally have given to it. 1999 marks the fiftieth anniversary of the Geneva Conventions and the centenary of the first Hague Peace Conference. It is timely for the Council to consider what more can be done to ensure that existing humanitarian law is fully and effectively implemented. We also welcome the fact that this briefing is held at a meeting of the Council, in public and under your chairmanship, which is another step forward towards transparency in our procedures. I should like to thank Mr. Sommaruga, Ms. Bellamy and Mr. Otunnu for their most valuable and interesting contributions today.

Most of the conflicts which now come before the Security Council are internal armed conflicts. Increasingly, civilians bear the brunt of suffering or are even deliberately targeted. The protection of civilians has become more difficult because the dividing line between civilians and combatants and between peacekeepers and humanitarian personnel is often blurred. Many of the perpetrators of the attacks on civilians are not under the control of a State or part of a chain of command. The fundamental and disturbing problem is the collapse of the rule of law, both international and internal, in a number of the conflicts with which the Council has to deal.

This collapse of law is compounded by the brutal and frankly anarchic nature of contemporary conflict, so graphically described to the Council last month by the Under-Secretary-General for Humanitarian Affairs and here again today. So what policy conclusions should we draw?

The main conclusion we must draw is the importance of conflict prevention, as Ambassador Türk has just said. The best way to protect civilians is to try to prevent violent conflict in the first place by promoting economic and social development, as Special Representative Otunnu has advocated, good governance and respect for human rights. We need to recognize the vital importance of conflict prevention and post-conflict peace-building in breaking the cycle of violence which leads to the disintegration of States. In this respect we very much welcome the efforts of the Secretary-General to improve coordination between the key United Nations actors involved.

We must also redouble our efforts to curb illicit trafficking in weapons and support universal participation in, and implementation of, the Ottawa Convention on anti-personnel landmines. We must help vulnerable States to develop responsible and well-trained military and police forces under civilian control. This means

continuing to build conflict prevention into our longer-term development programmes and paying increased attention to the security sector.

But we must also work to mitigate the effect of violent conflict on civilians, so graphically described this morning. There is already a large body of international human rights and humanitarian law. Our objective should be to ensure that this is respected and implemented conscientiously.

We must also find practical ways of reducing the risks and confusion on the ground, ways which will survive the breakdown of the rule of law. We hope that the Secretary-General's forthcoming report will particularly focus on this aspect of the problem. I would like to highlight six areas.

First, we need to put more effort into education and training. We should lay the foundations for the protection of civilians in armed conflict by disseminating knowledge of human rights obligations and international humanitarian law among security forces so that the individual soldier understands in clear and simple terms what his responsibilities are. This is an area where the ICRC is already doing excellent work in many countries and deserves our full support. It is obviously just as important to ensure that United Nations peacekeepers themselves are properly trained in human rights and humanitarian law.

Secondly, we need to tackle the question of monitoring and enforcement. Education is an important first step. But what can we do if international humanitarian law is still being flouted? The problem of internally displaced persons is a case in point. Some excellent work has been done in codifying the principles governing the handling of internally displaced persons. But there is no mechanism to ensure that these principles are being observed. This problem should be addressed.

Thirdly, as Ms. Bellamy and Special Representative Otunnu have said, we should do more to tackle the root causes of the problem. One of these is the recruitment of child soldiers. It is pointless to expect a 12-year-old to understand, remember and observe detailed provisions of international humanitarian law. The international community must redouble its efforts to ensure that children are not used as soldiers in war. As Ms. Bellamy has said, once fighting has stopped, demobilized child soldiers — and for that matter, other former combatants — must be given the assistance they need to play a positive role in their communities.

Fourthly, we must tackle the problem of small arms, since if former combatants still have access to personal weapons once the fighting is over, they are at great risk of being drawn back into violent ways of life.

Fifthly, the Council should consider whether it could do more to ensure that the needs of civilians are systematically taken into account when designing new peacekeeping mandates, particularly in areas such as human rights and humanitarian issues, including demining. We also need to give further thought to ensuring a smooth transition from peacekeeping to peace-building and to the importance of rebuilding local capacity and civil society.

Finally, as all of our briefers have said, we need to consider what more can be done to enhance the safety of humanitarian personnel on the ground, particularly in cases where there is limited consent from the warring parties and the security situation is volatile. We must make sure the United Nations security machinery has the resources it needs to do its job. We need to look at practical measures, such as the regular sharing of vital security information among United Nations agencies and non-governmental organizations.

Many of the issues we are discussing today go beyond the immediate remit of the Security Council and are also under discussion in other forums. But that is no reason why the Council should not consider this important matter or have its discussions informed by the views of other actors, and vice versa. We think the Council should operate in coordination with, not in isolation from, the rest of the United Nations system. It also needs to look beyond the symptoms to the causes of conflict.

Accordingly, we hope the Secretary-General's report will take a broad view of this subject, based on discussions with a wide range of other actors both within and outside the United Nations system. We hope it will come up with concrete recommendations so that follow-up to this debate will make a real difference and sustained difference.

The President: I thank the representative of the United Kingdom for his kind words addressed to me.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): Like my colleagues, we are glad to see you, Mr. President, presiding at this meeting and we are grateful to the delegation of Canada for taking this

initiative. I should also like to thank Mr. Sommaruga, Ms. Bellamy and Mr. Otunnu for their participation in our meeting and for their briefings.

From these briefings and from the statements of my colleagues, it is clear that the task of providing for strict compliance with international humanitarian law is one of the most important tasks today, primarily in connection with a great number of conflicts of very different natures. I will not dwell in detail on those factors which already have been cited here.

Today's briefing, which is being held here at an open meeting, reaffirms that members of the Security Council are convinced of the need to strengthen international humanitarian law, to ensure its application and to make use of the potential of the Security Council for those purposes.

It is clear that the Security Council is obliged to take measures to support the activities of international humanitarian organizations, *inter alia*, in questions of ensuring the protection of the civilian population during the course of armed conflicts, and also for the purpose of protecting the personnel of those humanitarian organizations who are more and more themselves becoming the objects of aggressive actions.

At the same time we are convinced that such support from the Security Council must be implemented in strict compliance with the United Nations Charter and must, first and foremost, take the form of political support. Only when all political and diplomatic methods have been exhausted can consideration be given to the question of using force to protect the civilian population and the personnel of the humanitarian organizations, and then only on the sound basis of the Charter.

Incidentally, when the Security Council takes decisions to use force for the protection of the civilian population, there is a need to give careful thought to how effective it will be and whether it may not have negative consequences. Experience, in particular the experience of Somalia, has demonstrated that sometimes the decision to use force, if not fully thought through and calculated in terms of its consequences, may lead to a situation in which such unsuccessful humanitarian interference only exacerbates the conflict and, *inter alia*, aggravates the situation for the civilian population — the very population which we wanted to protect. This concerns the use of force on the basis of decisions of the Security Council itself, as provided for by the Charter.

It is no secret that recently attempts have been made to use humanitarian concerns to justify unilateral use of force — that is, by bypassing the Security Council and without obtaining its authorization. It is clear that this runs counter to the Charter and that such an approach is unacceptable and can only destroy the present system of international relations, which is based on the principles of the Charter. The destruction of that international system is thus is too high a price to pay to resolve humanitarian problems, regardless of how important those problems may be, because the consequences will be devastating and global.

International humanitarian law must be complied with. It is my feeling that no one will contest the need to comply with the Charter, and we cannot allow opposing the need to implement international humanitarian law with the need to implement the Charter.

It has already been stated by previous speakers that the problem of the protection of the civilian population in armed conflicts is complex and far-ranging in nature and therefore requires a complex approach on the part of the international community. Many examples which have been cited today, for example by Ms. Bellamy, who spoke of the need to protect the rights of children in armed conflicts, including the minimum age for involvement in armed forces. These and other questions are also considered by the Security Council, as are those addressed by Mr. Olara Otunnu, namely the need, for example, to draw up a code for conducting business. Without question, that too is extremely important, but it falls outside the competence of the Security Council.

I would therefore like to support the statement made by Mr. Eldon regarding the need for the report of the Secretary-General to be as broad as possible in nature, drawing from a wealth of sources and containing recommendations which would be addressed not only to the Security Council but also to all the other participants in efforts to ensure compliance with international humanitarian law. And perhaps this report should become a catalyst for that comprehensive approach of which we are speaking and assist in moving this thesis into the language of practical activity.

Naturally, we cannot forget either the General Assembly or the Economic and Social Council, because they too have a mandate in the area of humanitarian questions. Nor can we forget the regional organizations which in one way or another also deal with humanitarian questions, nor the non-governmental organizations. I

want to mention separately the International Committee of the Red Cross, a universally respected organization whose work we actively support.

Mr. Valle (Brazil): I am honoured to convey to you, Sir, the Brazilian delegation's sincere appreciation for your presence among us today. As you are well aware, my authorities hold you in the highest esteem and are particularly pleased to be able to coordinate closely with Canada during this year of 1999, in which we coincide in the Security Council. Your commitment to multilateralism and your personal role in promoting respect for, and the development of, international humanitarian law are especially worthy of recognition in the context of today's exchange of ideas. The leadership displayed by Canada, and by you personally, in developing a strategy to move the international community towards a global ban on anti-personnel landmines deserves to be highlighted and should serve as an inspiration for our continuing endeavours in the Security Council and other appropriate forums to deal with the exceedingly high levels of civilian death and injury in many contemporary conflicts.

Let me proceed by expressing our gratitude to the President of the International Committee of the Red Cross, Mr. Cornelio Sommaruga, the Executive Director of the United Nations Children's Fund, Ms. Carol Bellamy, and the Special Representative of the Secretary-General for Children and Armed Conflict, Mr. Olara Otunnu, for the important contribution they have made to our debate.

Our discussion today can be seen as part of an ongoing exercise in the Security Council aimed at articulating a coherent agenda for dealing with conflict situations that will not only help stem violence and minimize the suffering of civilians but also promote durable and sustainable solutions to the conflicts themselves.

We consider these discussions useful and necessary. But as we heighten our awareness of the scope of the violations of humanitarian law that occur even as we meet today, we believe that we must be careful to maintain a balanced perspective, both as regards the analysis of the challenges we face and as relates to the options for dealing with such challenges. An increasing amount of published material, from a variety of sources, dealing with the interlinkages between humanitarian and security issues can help us to keep such a balanced perspective.

According to a recently published article by Professor Jarat Chopra, of Brown University, while at the beginning of the twentieth century 85 to 90 per cent of war deaths were soldiers, as the century comes to a close 75 per cent, on average, are civilians. These alarming figures indicate that we are indeed facing a serious phenomenon on a wide scale. The same article points out that of the 22 million people who have perished in armed conflicts since 1945, about one quarter died in the nineties. While this is an unquestionably high proportion, it would be improper to gloss over the fact that in absolute terms more civilians perished during previous and deadlier decades, or to forget that the targeting of civilians for extermination on an ethnic, religious or political basis is not an invention of the nineties. Unfortunately, serious humanitarian abuses have taken place throughout the century, and we should be wary of hasty judgements that might entail historical distortions.

It has frequently been said in recent years that ethnic or internal conflicts are likely to be more savage because they are often fought by irregular armies. My delegation has previously commentedon the fact that internal conflicts are not necessarily more frequent today than in the past, and some of the most serious threats to peace we currently face are clearly of an inter-State character.

A different but related point is made in a recent study entitled *The Myth of Global Chaos*, where we are reminded, on the one hand, that ethnic wars are often fought by regular armies and, on the other, that regular armies are quite capable of vicious massacres.

Today, numerous conflicts are referred to as "humanitarian disasters" or "catastrophes". But, as was pointed out by the head of the ICRC's media services in a conference published by the Red Cross *Review*, in reality this kind of labelling runs the risk of steering the international response towards purely humanitarian action in cases where what is required is political initiative. According to the same source, far too many disasters with political causes, and for which there can be only political solutions, are labelled today "humanitarian crises".

The impact of humanitarianism on North-South relations is also of relevance in our attempts to keep a balanced perspective on the issues before us. It is increasingly felt that a strategic vision for integrating humanitarian relief, politics and economic and social development is essential if we are to promote truly durable solutions to many of today's crises. As the Norwegian Minister for Development Cooperation and Human Rights, Hilde Johnson, has asserted,

"spending a few dollars on development today may save us millions in humanitarian assistance in the future".

In addition, my delegation has often made the point that we should differentiate between collective responsibility and collective security in the humanitarian field. Concerns with ensuring that humanitarian relief be safely provided should not automatically imply resort to military options or Security Council involvement. All peaceful and diplomatic efforts should be exhausted before the military option is contemplated and, when it is, consent and cooperation at the receiving end should be sought, a point that Mr. Sommaruga emphasized earlier.

There are those who argue — like Antonio Donini, in an article entitled "Asserting Humanitarianism in Peace Maintenance" — that, from a humanitarian point of view, the pertinence of military intervention is at best doubtful and that the alibi of humanitarian action through military intervention can lead to a militarization of North-South relations which runs the risk of being interpreted as disguised *realpolitik*.

On another level, let us not lose sight of the fact that the use of indiscriminate weapons, such as landmines, is one of the biggest causes of civilian suffering in conflict situations. The banning of such weapons, and indeed of all weapons of mass destruction, deserves the utmost priority of the international community because of their impact on civilians, among other reasons. In this context, it might be appropriate to recall that the contrast between the inordinate amount of resources invested in the production of such weapons in the face of dwindling resources for economic development is a source of perplexity.

At the same time, it is worth recalling — as stressed by the Secretary-General in his report on Africa — that stopping the flow of arms to areas of chronic instability is an essential ingredient of any strategy for lowering the levels of brutality against civilians and humanitarian workers.

There are several points that can be made in this connection. On the one hand, the Security Council should not hesitate to impose arms embargoes against States or parties whose actions threaten regional or international peace. Arms embargoes, as opposed to more comprehensive sanctions, cannot be said to provoke any legitimate humanitarian or third party side-effects. Such measures can only attain their objectives, however, if effectively monitored. Unfortunately, we must recognize that, more often than not, the flow of arms and ammunition to sanctioned States or parties is continuing in defiance of Security Council resolutions.

It is possible to contend that the high levels of civilian death, from Bosnia to Liberia, need not be seen as inevitable by-products of so-called internal conflicts of the modern age. Rather, these can be viewed as resulting from the inadequate or non-existent control of the flow of weapons, both internationally and domestically. An article published in the latest issue of the Red Cross *Review* argues in favour of establishing the principle that those who supply arms in situations where rampant violations of international humanitarian law can be expected share the responsibility for the use of such weapons and, ultimately, for those violations. The same argument can be made even more forcefully with respect to those who violate multilaterally negotiated and Security Council-mandated arms embargoes. At the very least, we should concur with the Secretary-General when he states in his report on Africa that arms exporting countries have a responsibility to exercise restraint, especially with respect to the export of weapons into zones of conflict or tension.

Before I conclude, let me stress the importance of working towards a consensus in the United Nations that will integrate, in a balanced way, the endeavours of the Security Council, the Economic and Social Council and the General Assembly, as well as those of the specialized agencies and other international actors in an effort to fine-tune a doctrinal framework capable of ensuring greater respect for humanitarian law, on the one hand, but also of looking beyond humanitarian relief into the spheres of institutional, economic and social development. We fear that, unless we keep in mind the need to take into account the spheres that lie beyond humanitarian relief, and unless we do this with political and even cultural sensitivity, the aim of reducing the levels of violence against civilians and humanitarian workers will remain elusive.

I would like to end by recalling that a focused report by the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations, in document S/1998/883 of 22 September 1998, addressed several of the issues that we continue to grapple with in a clear and straightforward manner. As we are about to request an additional report, we would like to suggest that the framework provided in the 22 September report be borne in mind and that the new report concentrate on areas not covered therein.

The President: I thank the representative of Brazil for his kinds words addressed to me.

Mr. Dejammet (France) (*interpretation from French*): I wish to thank Canada and especially you, Sir, and the Permanent Representative of Canada for your very welcome initiative of convening the Security Council and inviting the President of the International Committee of the Red Cross (ICRC), the Director General of the United Nations Children's Fund (UNICEF) and the Special Representative of the Secretary-General for Children and Armed Conflict to express their views on the protection of civilians in armed conflict.

At the outset, I wish to pay a very special tribute to the work of the International Committee of the Red Cross, which it carries out with the greatest discretion. In an era when every gesture is broadcast by the media, I think we need to be aware of and grateful to the International Committee of the Red Cross for the way it works in silence and with such effectiveness. It performs this work with the greatest sense of human respect and dignity and strives daily and tirelessly to alleviate the sufferings of peoples, regardless of their origin, race, religion, gender or status.

In this fiftieth anniversary of the Geneva Conventions, I therefore believe that it is time to pay tribute to President Sommaruga and the unflagging work of the International Committee of the Red Cross under his leadership to ensure respect for the human condition. Tribute also must be paid to the thousands of volunteers who often work at risk of their lives and who reflect honour on the founder of the International Committee of the Red Cross, Henri Dunant, the first recipient of the Nobel Peace Prize.

This struggle is more necessary today than ever before in order to ensure respect for the fundamental and very simply rules of international humanitarian law, according to which defenceless persons must not be attacked. In the light of the debate we held last month, however, and particularly in the light of the statement made by the Under-Secretary-General for Humanitarian Affairs, Mr. Sergio Vieira de Mello, we must focus today on the means of action available to us. Everyone has mentioned here that conflicts are in fact no longer confined to struggles between clearly identified national interests or to clashes between States that, for the most part, are adherents to treaties and conventions. That ensures a certain reciprocity and occasionally allows those international instruments to be observed.

We are today witnessing a proliferation of parties to conflicts, many of which are not State actors. This leads to a situation that is much more complex and gives us cause to think about what instruments can be implemented in order to deal with this new state of war and to ensure respect for humanitarian law in accordance with common article 1 of the Geneva Conventions.

Many of the preceding speakers have already indicated quite concretely and precisely what the priorities are. For our part, we would emphasize five elements. The first is preventive in nature and involves the dissemination of the fundamental norms of humanitarian law, which is one of the obligations contained in the Geneva Conventions. As we know, the International Committee of the Red Cross is involved in this work, but we must actively support the work of disseminating and making common knowledge of the norms of humanitarian law. This entails education about human rights and respect, in both wartime and peacetime, for the fundamental principles relative to the human person, such as the right to life and the prohibitions against torture, the deportation of populations, disappearances and illegal detentions. These are inalienable principles that, in accordance with human rights conventions, cannot be suspended for reasons of security or law enforcement and whose violation constitutes a war crime. Missions of the United Nations High Commissioner for Human Rights can contribute to strengthening this prevention on the ground and to supporting the establishment of national judicial systems and legislation that will make it possible to deal with violations of humanitarian law.

At a time when almost everyone has access to the most sophisticated means of information and communication, it is important to make good use of those means. This goes along with the comments made by Mr. Sergio Vieira de Mello, who the other day denounced the use of the media as a tool of mass conflict. In this connection, I also support Mr. Otunnu's project with the United Nations Children's Fund to prepare radio programmes to make it possible to sensitize children, and of course adults as well, regarding respect for the rights of children.

Finally, just a word to say how very right Mr. Sommaruga and Mr. Otunnu are in warning against attempts to demonize. Some might be tempted to demonize a given leader, but we sometimes see, subsequent to such attempts, that the country of that

leader is also demonized. That can lead to a spiral of threats and sometimes even violence.

The second obligation that concerns us has to do with weapons, in particular with small-calibre arms and light weapons. While a number of conventions have been drawn up in the course of the last century to ban certain categories of weapons — especially weapons of mass destruction and anti-personnel mines — light weapons and small-calibre arms continue to cause more and more harm by virtue of their accessibility, even to children. The Security Council must therefore see to it that arms embargoes are implemented. In this respect, we should recall resolution 1209 (1998), which was adopted by the Security Council last November, on illicit arms movements to Africa and within Africa.

The European Union adopted a joint action last month in order to combat the accumulation and the destabilizing spread of small-calibre weapons and to help reduce existing stockpiles. We consider it necessary to strengthen international cooperation in this respect, in accordance with the provisions of the Charter. Our objective in this field should be to achieve the same success as that which was achieved in the extremely rapid adoption of the Ottawa Convention. We cannot fail to thank Canada and the International Committee of the Red Cross once again for the tireless energy they applied to that work, which resulted in success, and to congratulate them. The report that is to be published by the International Committee of the Red Cross next month on the problem of the spread of small-calibre arms and light weapons should be an opportunity for further consideration of this fundamental problem.

The third instrument is that of sanctions. This instrument is available to the Security Council, and it should be used. But it must be used appropriately to target those responsible and not to increase the suffering of populations, especially those who are most vulnerable. In this respect, we endorse the conclusions of the Council regarding the recommendations of the various chairmen of the sanctions committees. This reflection must be continued while bearing in mind the contributions made by the Office for the Coordination of Humanitarian Affairs in order to limit collateral damage to the civilian population as much as possible and to take its needs into account.

The fourth direction in which we must work is the fight against impunity. Wherever necessary we must conduct investigations and see to it that they are given the necessary follow-up. Major progress has recently been made. This can be seen, *inter alia*, in the establishment of international tribunals. Let us simply recall that the Council will have an important role to play with regard to the International Criminal Court once it is in operation.

The last element concerns the authorization by the Council of resort to armed force. This may be indispensable to ensure the security of populations and humanitarian action. In some cases it is armed force alone that can make it possible to create a humanitarian space, corridors of access and protection for the delivery of aid. That objective must be borne in mind, even though relatively recent examples in history have unfortunately shown that the efforts of certain countries — including Canada — have not been successful and have had very regrettable consequences. Of course, with regard to this question of resort to armed force, it will be necessary for us to establish very clear mandates so that tasks will not be confused and the neutral and impartial nature of humanitarian aid will not be undermined. The International Committee of the Red Cross is quite rightly devoted to that principle, but we should perhaps more often envisage the cooperation that can be provided by peacekeeping forces to alleviate the needs of populations — for example, by introducing a demining or disarmament component in the mandate of these forces or by adding some specifications and provisions for the demobilization of children.

I will dedicate my final words to the issue of children and to pay tribute both to the comments made by Ms. Bellamy in her very strong statement and to the work of UNICEF, as well as to the forceful, very efficient, rapid and precise work accomplished by Mr. Otunnu.

The enlistment of children in a war dooms a country's future for generations. It means there will be no more education, and only learning how to kill one's neighbour and engender a cycle of violence. The Geneva Conventions and the Convention on the Rights of the Child guarantee the protection due children under the age of 15. It is without doubt imperative for that age to be raised to 18. We support the efforts made by Ms. Bellamy and Mr. Otunnu in this direction.

But the primary responsibility in this field resides, in the last analysis, with States. Thus, my country has begun the necessary internal procedures for ratification of Protocol I to the Geneva Conventions, and France hopes to be able to adhere to it this year.

The important thing, in conclusion, is that we always act pragmatically. In each and every one of the situations before the Council, we must hear the views of the humanitarian agencies on the consequences for civilian populations. These elements must also be taken into consideration in the peace processes, as can currently be seen in the contribution made by International Committee of the Red Cross to the negotiations in Rambouillet this very day.

Mr. Otunnu's initiative aimed at including the demobilization and reintegration of children within the Arusha peace process is an excellent, concrete example that we should bear in mind in the action we take under your leadership, Mr. President.

The President (*interpretation from French*): I thank the representative of France for the kind words he addressed to my country.

Mr. van Walsum (Netherlands): Like speakers before me, I would like to commend you, Mr. President, and your delegation for organizing this briefing on a very important, specific aspect of the concept of human security, to which you are so personally committed. We would also like to thank the three briefers, who have provided us with a large number of new ideas.

Just over 100 years ago, on 11 January 1899, the Russian Minister for Foreign Affairs, Count Mikhail Nikolayevich Muravyov, dispatched a circular to all independent States, convening what was to become known as the first Hague Peace Conference. Although the Conference, which was attended by 26 States, failed to achieve its primary objective — the limitation of armaments — it did adopt a number of conventions relating to war on land and sea. It also accepted three declarations: one prohibiting the use of asphyxiating gases, another prohibiting the use of dumdum bullets and a third one prohibiting the discharge of projectiles or explosives from balloons. Its most important achievement, however, was that it was generally seen as the first in a series of peace conferences which would gradually eliminate the scourge of war.

The second Hague Peace Conference was held in 1907, and the third was planned for 1915. The latter failed to meet, due to the outbreak of the First World War, but the rhythm of the Hague Peace Conferences provided the impulse for the subsequent creation of the League of Nations, the forerunner of our present United Nations.

The modern concept of the law of war — the notion that war is not a total surrender to barbarity, but that certain norms of behaviour continue to apply even after the outbreak of hostilities — is also closely linked with the Netherlands, thanks to the epochal work of Hugo Grotius, *De Jure Belli'ac Pacis* (On the Law of War and Peace), published in 1625. These norms of behaviour under conditions of armed conflict are the subject of our open briefing today.

As we approach the end of the twentieth century, we are disturbed to find that there is little left of the relative optimism which prevailed at the Hague Peace Conference a century ago. What makes it difficult to continue to believe that we are in the process of gradually alleviating and restraining the horrors of war is the fact that two important distinctions seem to be simultaneously vanishing: that between international wars and civil wars, and that between combatants and non-combatants. Of all the armed conflicts currently being discussed in the Security Council, only one is a war between two States, and it is generally estimated that more than 75 per cent of the casualties produced by a modern armed conflict are civilians. If this trend continues, the law of war will slowly cease to play its regulatory role, and we will witness a return to the days when war was a phenomenon of unmitigated barbarity.

This is not due to a lack of legal instruments. Law of war, like international law in general, is, of course, never complete, and many studies and seminars are devoted to its further development. The Security Council, however, should not try to add more documents to the already impressive list of available texts. It should be our aim to obtain a wider acceptance of existing legal instruments, to promote a strict application of their provisions, to bring about an early entry into force of the International Criminal Court, and most of all to identify feasible, practical steps that by their nature lend themselves to being taken by this Council rather than by other organs, bodies or agencies.

One thing the Security Council can and should do is to keep drawing special attention to the problem of security for humanitarian workers, not because humanitarian workers deserve more protection than the people they are supposed to protect, but because attacks on them put the whole concept of humanitarian assistance in jeopardy. We have seen in Angola how two attacks on aircraft carrying humanitarian workers have almost succeeded in bringing the United Nations presence in that country to a halt.

In addition, the Security Council could see to it that for every United Nations-led intervention a clear mandate is drawn up. Whenever Chapter VI or Chapter VII operations are planned, the need for civilian protection should be given a prominent place in a specific mandate.

The Security Council certainly would not wish to interfere with the work of other members of the United Nations family, but it could take the initiative in requesting the establishment of a strategic framework to guide the work of the various United Nations organs in complex emergencies. Although the peaceful resolution of any conflict will always be the ultimate goal, protection of civilians should be one of the pre-eminent short-term aims of such a strategic framework. Although one might argue that this approaches the limit of the Security Council's competence, we could urge the humanitarian relief agencies to apply principled programming so as to preserve the credibility of their humanitarian activities. It is clear that relief agencies depend on the parties in the conflict to reach the victims they want to help. At times a warring party may be tempted to obstruct a relief operation if it considers it predominantly beneficial to the other party. Relief agencies will be able to deal with such situations only if their operational decisions are based on a sound and transparent set of humanitarian principles. This is what is meant by principled programming, and it is our view that in the context of a strategic framework the Security Council may legitimately ask for it to be applied by all humanitarian actors.

If we want to salvage anything of the concept of the law of war in this modern age, when most wars are internal conflicts, we must finally find a solution to the problem of maintaining contact with both warring parties. In all internal conflicts — leaving aside the extreme contingency that a State has ceased to exist — we are faced with a recognized, sovereign State on the one hand and a rebel movement or insurgency on the other. We cannot hope to promote respect for humanitarian law in what common article 3 of the Geneva Conventions calls "armed conflict not of an international character" if we do not allow ourselves to establish contact with the non-State party.

The problem becomes even more intractable when the recognized, sovereign State is itself the terrorizing party. The Netherlands disagrees with those who believe that even then Article 2, paragraph 7, of the United Nations Charter provides us with the ultimate answer. That article should never be read in isolation. After all, the opening words of the Charter do not refer to sovereign States but to the peoples of the United Nations. It must be the peoples who are entitled to the protection we are discussing today. Nothing contained in the United Nations Charter authorizes a State to terrorize its own citizens.

Mr. Petrella (Argentina) (*interpretation from Spanish*): First of all, Mr. President, we wish to express appreciation for your initiative to hold a debate on the protection of civilians in situations of conflict. This topic undoubtedly represents the fundamental challenge facing the international community and in particular the Security Council.

May I also express our gratitude to the previous President of the Council, Ambassador Celso Amorim of Brazil, whose skills and talents contributed to resolving the problems before the Council during the month of January.

We also express our appreciation to the Executive Director of the United Nations Children's Fund, Ms. Carol Bellamy, and to the President of the International Committee of the Red Cross, Mr. Cornelio Sommaruga, for their thorough briefings, and to Ambassador Olara Otunnu for his contribution to this meeting. All of these statements will undoubtedly have an impact on and be followed up by the Council.

The presence here of the Minister for Foreign Affairs of Canada is yet another example of his country's steadfast and selfless contribution to the United Nations, above all in the area of international peace and security.

Unfortunately, it is clear that in present conflicts, civilian populations are being deliberately and indiscriminately targeted. With growing frequency, the enemy is identified with a different ethnic or religious minority or simply with the members of a different group. There has been an increase in conflicts between autonomous armed elements that neither answer to a unified command or respect international humanitarian law or human rights.

We have been given today alarming statistics showing that a high percentage of current victims are civilians. The situation of children is particularly sensitive, not only because they are particularly vulnerable during conflicts but because their post-conflict rehabilitation is complex, difficult and extensive.

The demobilization and social rehabilitation of child soldiers is the most difficult of processes. The magnitude

and complexity of the problem make clear once again that the concept of international peace and security as seen in 1945 has evolved considerably. It now encompasses broader qualitative aspects that involve not only factors related to military activity but also to governability, democracy, development and justice.

This does not mean that the Security Council should deal with all of these problems, but it does imply that the Council can act, in certain circumstances, within the framework of this broader concept. That is the sense of the debate that we are holding today.

The protection of the civilian population in conflicts, particularly in internal conflicts, is a relatively recent concern of the Security Council. That concern has evolved, though slowly, along with the changes that have occurred in the law governing customs and practices during armed conflicts.

International humanitarian law has also increasingly taken into account the need to emphasize the protection of civilians and has recently stressed the protection of those who by definition have never been combatants — the civilian population. This development has provided us with a whole range of standards to set limits on the conduct of hostilities and to protect innocent persons. Many of these have already been enshrined in universally recognized principles and norms. We must not underestimate their importance, although we should recognize a basic structural flaw: the great majority of these norms apply only to conventional international armed conflicts — in other words, to a tiny percentage of current conflicts.

This situation does not appear easy to resolve in the short term. Nonetheless, the growing acceptance of the fact that the protection of individuals transcends the domestic sphere of States gives rise to hope that gradually the differences in the way the two categories of conflict are handled will be reduced.

In this respect, special mention should be made of the Statute of the International Criminal Tribunal for Rwanda, which for the first time criminalized violations of international humanitarian law committed in an internal conflict, and, more recently, the Rome Statute for the establishment of the International Criminal Court, which made headway in the application of norms to this type of conflict. In addition, both instruments should be a valuable deterrent force.

In spite of the limitations, we have at our disposal an adequate body of norms. For this reason, it is a priority issue to focus our efforts on the implementation of these norms to make them better known and more practical in terms of their application. The punishment of the guilty is not only essential to combat impunity; it is also indispensable in order to build a stable peace following the end of a conflict. In this context, the creation of the Tribunals and the Statute of the International Criminal Court are of historic relevance.

But the importance of emphasizing individual responsibility should not make us forget the responsibility of States themselves. Article 1 of the Geneva Conventions clearly establishes that it is the States that are responsible for respecting and ensuring respect for international humanitarian law in all circumstances.

We appreciate the tireless efforts of the International Committee of the Red Cross for the dissemination and teaching of humanitarian law and to help meet the demand for protection generated by present conflicts. States must also make every effort to promote an understanding of the norms that are applicable to situations of conflict, not only on the part of our soldiers but also on the part of the population at large.

One way of protecting civilians is through vigorous action to prevent conflict. That requires the adoption of urgent and decisive measures in the early stages. Many of those measures form part of the exclusive competence of this Council. Others require joint action of the Council and other organs within and outside of the system, such as those that involve aid for development and humanitarian assistance. But for all those measures the visible and dynamic action of the Council is necessary. Otherwise it will be extremely difficult to adequately prevent and punish those who violate humanitarian law. In the preventive stage we must focus efforts on the creation of adequate mechanisms or on strengthening existing mechanisms, first to stop the flow of arms to conflict zones and secondly to actively destroy arsenals, particularly of small arms and conventional weapons, as they are the most widely used.

Adequate measures must also be assured to consider the security of humanitarian field workers. The recent attacks on United Nations or associated personnel violate the conscience of this Council and should be investigated dynamically in order to allow for the severe punishment of those responsible.

Those attacks renew the concern which only a few years ago led us, under the presidency of Canada, to the negotiation and speedy adoption of the Convention on the Safety of United Nations and Associated Personnel. We must urgently promote the signing and ratification of this Convention.

However, it should be emphasized that that Convention, while very important, is not applicable to all persons and organizations in conflict zones. For that reason Argentina is studying the possibility of presenting an initiative that will broaden, perhaps through a protocol, the scope of personal application of that instrument.

Mr. Andjaba (Namibia): Protection of civilians in armed conflict is topical and thus my delegation expresses its gratitude to you, Mr. President, for having arranged this briefing in this format. The introductory remarks by Mr. Sommaruga, Ms. Bellamy and Mr. Otunnu have indeed enriched our deliberations, and we are most grateful.

Today civilians, especially women, children and the elderly, are deliberately targeted by combatants and are perpetual victims of indiscriminate shootings and anti-personnel landmines. The cruel and degrading treatment, physical and psychological torture, killing and mutilation of civilians are well-known characteristics of armed conflict. Inciting of ethnic animosity by hostile media has also become a common phenomenon. Human suffering as a result of displacement is on the increase. On the other hand, displaced persons fleeing into neighbouring countries continue to place a huge social and economic burden on the host countries, especially in Africa.

It is obvious from the briefing we received a while ago that the situation of children is even more perilous. The statistics of displaced children cited here are truly alarming. Over 13 million children are internally displaced. Those who manage to escape the bullets of belligerents often have no place to hide. They are pursued by the scourge of landmines and are either killed or scarred for life. Not only are children easy targets; they are increasingly being used to kill other children. Girls are traumatized through rape. They become instant mothers by being forced to bear children or having to assume the role of parenthood because their parents have been murdered.

Recruitment and deployment of child soldiers who are often orphans of the same conflict is preposterous, for they become ruthless and as such wreak vengeance on their adversaries. Enmities and hatred are inculcated in them, and unless measures are taken to curb this practice, societies with this breed of soldiers are heading for disaster.

In a word, what we have heard today is that there are no children in war and thus there is no childhood in armed conflict. Therefore banning the recruitment or the use of children in hostilities must be made an international commitment.

In the past, civilians in armed conflict regarded United Nations premises as safe havens, and those fleeing hostility knew they could be safe under the blue and white flag. Today all that has changed. Shootings at United Nations premises and other properties, as well as at United Nations personnel, will become fair play unless we act decisively.

Motivated by human considerations to protect the victims of armed conflict, humanitarian agencies are themselves victimized or face accusations of giving aid to rebels, and their neutrality and impartiality become contentious. In a worst-case scenario, they are refused access to the victims of the conflict, expelled or their properties are confiscated. Thus, all efforts should be made to encourage parties to a conflict to allow safe access by humanitarian agencies to the victims of conflict.

My delegation wishes to call on all parties to conflicts to observe the provisions of the pertinent Geneva Conventions and the additional protocols and to respect the neutrality of the civilian populations. Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction is imperative. There are numerous instruments to address this problem. What is needed, therefore, is a collective political will to enforce them.

The Platform for Action adopted at the Fourth World Conference on Women, which took place in Beijing in 1995, among others, addressed women and armed conflict. Not only does the Platform for Action depict the horror women and girls go through in armed conflict, but it gives concrete actions to be taken by Governments in order to reduce excessive military expenditures and control the availability of armaments. Let me reiterate that this is one of the commitments we all made at that Conference.

In fact in this regard the Conference on Women addressed the heart of the problem — proliferation of arms and their impact on armed conflict. The uncontrolled inflow not only of small arms but of all types of sophisticated arms into areas of conflict needs to be addressed. Is it not ironic, for example, that in Africa there is a shortage of food but an abundance of sophisticated arms? Therefore, just as we call upon belligerents to stop the fighting, so too must we undertake measures for all weapons-producing countries not to transfer anti-personnel landmines and arms, whether by sale or grant, to regions where armed conflict is imminent.

Furthermore, and equally important in our view, it is the responsibility of all Member States to ensure that their citizens are not used as mercenaries. Indeed, protection of civilians in armed conflict is pertinent, but what is even more crucial is for the world to come to sanity and stop armed conflict.

Mr. Agam (Malaysia): I should like to congratulate you, Sir, and extend my delegation's most sincere appreciation to you for this timely and important initiative. The question of the protection of civilians in armed conflict is indeed one of which the Council should be seized on a continuing basis. Today's open briefing provides the opportunity for not only members of the Council but also the general membership of the United Nations to get further insights into this question. I thank Mr. Sommaruga, Ms. Bellamy and Mr. Otunnu for their comprehensive, indeed passionate, and most enlightening presentations.

The current situation is indeed alarming, as confirmed by the three speakers. Their statements speak volumes on the condemnable acts and practices carried out by parties in armed conflicts who make civilians the victims and casualties. Wherever there is an armed conflict civilians are being increasingly affected, suffering casualties directly or indirectly. Even the use of highly sophisticated and super-accurate weapons in some conflict situations has caused the loss of innocent civilian lives and damage to civilian property. Even when civilians are not the intended targets they very often become part of the so-called "collateral damage".

The major question then is how do we afford adequate protection for civilians in armed conflict? What can the Council, other organs of the United Nations, Governments and others do to ameliorate the situation? We will not get all the answers today. But this briefing should provide the basis for a more serious and comprehensive consideration of this important question.

Modern armed conflicts have obviously changed in character. Increasingly, more sophisticated weapons are being used with devastating effects on the civilian population. In the First World War civilians accounted for only 5 per cent of casualties. In the Second World War civilian casualties rose to 48 per cent. Today, up to 90 per cent of conflict casualties around the world are civilians. A large and increasing number of these are vulnerable groups such as women, children and the elderly.

They have increasingly become direct targets through deliberate and indiscriminate actions by armed combatants. The millions of refugees and internally displaced persons the world over speak for themselves. Every day, thousands of civilians are being raped, physically and psychologically tortured, maimed and incarcerated. We see the most heinous and barbaric acts being committed, including outright genocide and massacres of unarmed civilians. This is indeed a sad commentary on the state of human civilization on the eve of the new millennium.

My delegation condemns in the strongest terms these acts of violence against civilians. The deliberate attacks and acts of violence perpetrated by combatants against innocent civilian populations deserve not only condemnation but also a strong and resolute response by the international community. These heinous acts clearly and blatantly violate the principles of international law, including international humanitarian and human rights laws. Indeed, they are also in direct violation of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, and other international legal instruments. The perpetrators must account for their crimes, with the appropriate punishments being meted out against them. This is the only effective way to stop the culture of impunity that has increasingly prevailed in most conflict situations around the world.

It is obvious that states have the primary responsibility in prosecuting the perpetrators through the national justice system, or whenever and wherever appropriate, the relevant international criminal tribunals. My delegation reiterates its strong support for the idea of holding combating parties and their leaders financially liable to their victims under international law in cases where civilians are made deliberate targets of armed aggression. An appropriate legal machinery will, of course, have to be established for this purpose.

It is imperative that United Nations Member States and all parties concerned comply strictly with their obligations under international law to assist and protect civilians affected by armed conflict. There is an urgent need for the international community to take collective action in this regard. The approach should cover the political, security, economic, social, legal and humanitarian dimensions. In supporting a comprehensive approach to address this problem we look forward to the Secretary-General's report, as requested for in the draft Presidential Statement which we will shortly adopt, containing concrete recommendations to the Council. The report would be useful not only to the Council but also to the other relevant organs of the United Nations in addressing the same question acting within their areas of competence and responsibility.

Another important issue of concern to my delegation has been emphasized by virtually all speakers at this meeting, and that is access by civilian populations to international protection and humanitarian assistance. We fully recognize that humanitarian assistance should be undertaken with the consent and cooperation of the parties concerned. However, there is a clear obligation under international law that those in need should receive protection and assistance.

While humanitarian assistance is vital in alleviating the hardship of civilians caught in armed conflicts, its use as a tool to prolong conflicts by the warring parties should be prevented. The argument has been made that relief aid either directly or indirectly subsidizes the cost of fighting wars and that it could offer some sort of reward for the belligerents. Clearly there is a need to ensure that humanitarian aid will not be used to enhance the motivation or capability of belligerents to commit further violence, especially against civilians.

The security and safety of the humanitarian mission itself is of paramount importance, especially in highly volatile and extremely dangerous areas. The disturbing increase in the number and scale of direct and calculated attacks against humanitarian and United Nations personnel in the field should be strongly condemned. Those concerned must ensure the security and safety of these selfless and committed workers who carry out their noble missions in highly dangerous situations, risking their own lives. Proper training about the real situation on the ground could, of course, better equip humanitarian personnel in handling risky situations in their mission areas, but this should not absolve the combatants of their own obligations and responsibilities.

Landmines pose as serious a threat to the safety of civilian populations as they do to the combatants themselves. Every year, large numbers of civilians, many of them hapless women and children, are killed or maimed for life by landmines. What is most distressing is that landmines can still kill and maim innocent civilians years after the combatants have left the scene of conflict. We therefore welcome the global efforts to ban landmines and commend Canada and other countries for their activities and leadership role in this regard.

In discussing the issue of civilians in armed conflict, we cannot ignore the issue of children who become victims of these conflicts, either as instruments of war or when they are caught up in the traumas and upheavals of the conflict. The issue of children in armed conflict — which has been eloquently highlighted by our speakers, in particular by Mr. Otunnu — deserves the serious attention of the international community in its own right, as was reflected by the Council's consideration of it in June last year. The appointment of a Special Representative of the Secretary-General to deal with this issue was indeed a laudable move to give greater focus and urgency in addressing the problem. In highlighting the problem, selected measures have already been identified by Mr. Otunnu to alleviate the suffering of children caught in armed conflict. These measures deserve the strong support of the international community. Clearly, those who are guilty of acts of violence against children during armed conflict should be punished accordingly. My delegation is particularly glad that, among such punitive measures, the targeting of schools and hospitals has now been made a war crime under the new Statute of the International Criminal Court.

The pernicious impact of the proliferation of arms, in particular small arms, on the security and safety of civilian populations is amply illustrated by the numerous armed conflicts that are still raging around the world. Mr. Olara Otunnu has noted, *inter alia*, that the development and proliferation of lightweight automatic weapons has made it possible for very young children to use arms. The consequences of this proliferation are indeed devastating. It means more combatants, more intensified conflicts, more victims and casualties, more refugees and displaced persons. In the name of humanity, my delegation appeals to all States and non-State actors involved in the manufacturing and marketing of such weapons to restrict arms transfers which could provoke or prolong armed conflicts. We also believe that there has to be a more concerted international effort and

collaboration to combat illegal arms flows. This is imperative if we are to stop fuelling further armed conflict in our contemporary world.

My delegation fully associates itself with the remarks made by Mr. Sommaruga and Ms. Bellamy on the impact of sanctions on the civil population, particularly children. We ourselves had made that very same point during the Council's consideration of the humanitarian aspects of the promotion of peace and security last month. We are gratified that our speakers deemed it pertinent to draw the attention of the Council to this issue. I believe that it was only for the sake of brevity and the fact that he spoke extemporaneously that Mr. Otunnu himself did not refer to this issue. I know for a fact that the matter is also of concern to him as he carries out his mandate.

This very difficult question before us cannot be effectively addressed without the requisite political will of all concerned. The Council can only act in accordance with its appropriate responsibilities under the Charter. Other organs and organizations and other relevant actors must play their parts. At the same time, those directly involved in the various armed conflicts must be made to understand the full consequences of their actions aimed against civilians. Ultimately, they will have to account for their actions and understand that they cannot get away with impunity. That message, and the will of the international community to back it up, should ring out loud and clear from this forum. Beyond that, there should be serious and concrete follow-up actions by all concerned, including this Council, to give substance to the many creative and commendable ideas that have been presented to us.

Mr. Buallay (Bahrain) (*interpretation from Arabic*): My delegation is gratified at seeing you, Sir, preside over the Council in the presence of the Secretary-General. We also wish to thank you for having convened this meeting and chosen this very important subject to be discussed openly; this reinforces the principle of transparency to United Nations Members.

Recent decades have seen an unacceptable deterioration in respect for humanitarian norms in armed conflicts and we note with great regret that civilians are increasingly being directly targeted in the midst of armed conflict. Civilian populations today are the source of the largest number of victims; this reflects a violation of the principles of international law, including international humanitarian law.

Armed conflicts have grown ever more cruel and barbaric. The warring parties tend to use means that serve their interests and thus defy international security and peace. Thus, a large number of civilian victims are women and children who are frequently subjected to rape or systematic sexual exploitation. Children are recruited or kidnapped by armed forces to be turned into soldiers. This problem must therefore be addressed very precisely through the drafting of international legislation and treaties prohibiting the use or recruitment of children in armed conflict. Moreover, my delegation supports the idea, put forward by the Secretary-General in his report on the causes of conflict in Africa, to turn children themselves into zones of peace. We hope that this idea will be widely discussed. We should also like to see the recruitment age raised to 18 years, as mentioned by the Director General of the United Nations Children's Fund and the Special Representative of the Secretary-General for Children and Armed Conflict.

I also wish to emphasize the problem of refugees, whose numbers have grown considerably in recent years because of armed conflict. Today, the security of refugees is a matter of concern to us and to the States receiving those refugees from neighbouring countries. The proliferation of weapons, notably small arms and light weapons, has had a serious impact on civilians. My delegation believes that it is very important for all Member States to control and limit the transfer of weapons that incite and prolong these armed conflicts. Cooperation in the campaign against the transfer and flow of illicit arms into conflict zones must be stepped up. Every effort must therefore be made to give refugees and displaced persons the necessary protection and to meet their needs, in accordance with agreed international rules and norms.

My delegation wonders at the extent to which the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is being implemented. It has been nearly 50 years since that Convention was signed. How is it being truly implemented in the field? We ask this question because of the growing number of civilians running every sort of risk and danger, not to mention, of course, being killed and displaced. It is therefore necessary to establish machinery to ensure the implementation of these conventions, whose essential and basic aim is to protect civilians.

Furthermore, whatever might be done or said, one can never insist enough on the importance of the security

of humanitarian personnel working for the various United Nations agencies. My delegation does not hesitate to repeat here that these humanitarian workers run the same risks and encounter the same fates as do civilians in zones of armed conflict. They are subjected to the same difficult circumstances, and some have recently been killed or assassinated. It is very hard to ask for the protection of civilians in zones of conflict without giving the same degree of protection to those who are providing assistance to mitigate the suffering of those same civilians.

To conclude, I should like to emphasize that it is necessary for there to be a degree of coordination between the Security Council, on the one hand, and, on the other, all of the agencies working in the humanitarian field, including the Economic and Social Council. There must be cooperation, among these humanitarian organizations; otherwise each one will act unilaterally and perform actions that run counter to those taken by the others. This will have a negative impact on the assistance that is to be given to civilians in zones of conflict. We do not want those civilians to become the victims of conflicts or victims of a lack of coordination among the various United Nations agencies.

Finally, in the same vein, the Security Council must take practical steps that will change the tragic situation that exists today. As far as civilians in zones of conflict are concerned, experience has shown us that resolutions and conventions do not suffice to meet their needs. Legislation must be followed up by practical steps that provide the necessary assistance.

The President: I thank the representative of Bahrain for his kind words addressed to me.

If I might just comment on the clock, which is now going past the witching hour, we still have five speakers left plus the responses of the briefers. Because of the importance of the topic, I would hope that the members of the Council would indulge us in allowing us to continue right through without a break. I know that this may do some damage to members' physical nourishment, but the nourishment of a higher order that is being supplied so ably by the speakers thus far, I think, will suffice to keep us sustained during that period of time. So that will be the intention of the President, if members are all in agreement.

Mr. Dangue Réwaka (Gabon) (*interpretation from French*): Your presence, Mr. President, which we warmly welcome, attests to the importance that your country, Canada, attaches to the protection and promotion of human rights, particularly the protection of civilians in armed conflict — the issue being addressed at our meeting today. In this connection, we would like to express our gratitude to you and to your delegation for having organized this debate.

I am certain that the very good statements just delivered by Mr. Cornelio Sommaruga, President of the International Committee of the Red Cross (ICRC), by Ms. Carol Bellamy, the Executive Director of the United Nations Children's Fund (UNICEF), and by Mr. Olara Otunnu, the Special Representative of the Secretary-General for Children and Armed Conflict, will add a great deal to the deliberations of the Council on the issue of the protection of civilians in armed conflict.

It is intolerable that civilians — especially women, children, the elderly and the personnel of humanitarian agencies — are being targeted wherever armed conflicts erupt, in disregard of international rules that prohibit such practices. In this context, the Security Council must ensure that the rules relative to the protection of civilians in times of war are scrupulously respected. The Council can also request United Nations agencies dealing with humanitarian assistance to develop programmes to promote awareness of international humanitarian law. In this regard, we would like to thank the International Committee of the Red Cross for its efforts.

For our part, the Security Council should first and foremost work to prevent conflicts, for an ounce of prevention is worth a pound of cure. On 13 April 1998, the Secretary-General presented a report to the Security Council on the causes of conflict and the promotion of peace and sustainable development in Africa (S/1998/318). The Council considered the recommendations outlined in that report for the maintenance of peace and the protection of civilians. It is now up to the Council to translate those provisions into concrete actions that can contribute to a restoration of peace and security wherever they are being seriously threatened.

To that end, the weight of the international community should be brought to bear upon the parties to conflicts in order to lead them to resolve their disputes by peaceful means. Emphasis should therefore be placed on actions to combat illicit arms flows, especially of small-calibre arms, and on the observance of arms embargoes, as called for in Africa by Security Council resolution 1196 (1998).

It is often not ideas that are lacking in finding solutions to conflicts. What is most lacking is political will.

The President (*interpretation from French*): I thank the representative of Gabon for his kind words addressed to me.

Mr. Burleigh (United States of America): I would like to thank Canada for its initiative to focus the attention of the Council on the protection of civilians in armed conflict. The United States shares Canada's desire to bring to international attention the new character of armed conflict, in which civilians, including humanitarian workers, are often not simply random, incidental victims of conflict, but its very targets. We must work together to find ways to halt this trend, and we must strive to strengthen international protection of civilians, recognizing that the Council's task of maintaining peace and security can extend to the protection of individuals as well.

Over the past several months, the Security Council has wrestled with the issue of protecting civilians in armed conflict, including refugees, children and humanitarian workers. As one example, the United States chaired the Council's thematic group that drafted resolution 1208 (1998), which identified the maintenance of the security and the civilian and humanitarian character of refugee camps as an urgent and important issue. In its resolutions and presidential statements, the Council has also addressed the challenges of illicit arms flows, children affected by armed conflict and protection of humanitarian workers.

We welcome the discussion of these matters in other forums, particularly in this year which marks the fiftieth anniversary of the four Geneva Conventions and the one hundredth anniversary of the Hague Convention. We salute the Red Cross Movement and look forward to the results of the upcoming International Committee of the Red Cross (ICRC) humanitarian forum in Wolfsberg, which will focus on "protecting people affected by armed conflict". These efforts in other forums are vital and complement the action the Council takes today in the exercise of its primary responsibility for the maintenance of international peace and security.

We particularly welcome the Council's reaffirmation today of the need for the international community to assist and protect civilian populations affected by armed conflict; of the need for all parties concerned to ensure the safety of civilians and to guarantee the unimpeded and safe access of United Nations and other humanitarian personnel to those in need; of the obligation of all States to comply strictly with their obligations under international law; and of the need to bring to justice individuals who target civilians, as such, in armed conflict, or who otherwise commit offences under international humanitarian and human rights law.

We also support the Council's willingness to respond, in accordance with the United Nations Charter, to situations in which civilians have been targeted or humanitarian assistance to civilians has been deliberately obstructed.

In summary, the Government of the United States welcomes the Council's efforts to address these critical issues. The many constructive suggestions we have heard today from the ICRC, the United Nations Children's Fund and the Special Representative deserve careful and urgent consideration by the Council. We pledge ourselves to the pursuit of practical applications of these suggestions. Finally, we look forward to the Secretary-General's recommendations, both on ways the Council can improve the physical and legal protection of civilians in all situations of armed conflict and on contributions the Council can make towards more effective implementation of existing humanitarian law.

The President: I thank the representative of the United States for his kind words addressed to my country.

I give the floor to the representative of the Gambia.

Mr. Jagne (Gambia): Mr. President, let me begin by commending you for your foresight, which led you to include this important issue in our programme of work for the month. Our meeting today takes on particular importance for a number of reasons. First and foremost, the presence among us of The Honourable Lloyd Axworthy is a clear demonstration of the significance that Canada attaches to humanitarian issues generally. At a time when there are so many theatres of conflict in Africa, and worse still, when such conflicts target civilians more than combatants, there could not have been a better time to discuss the protection of civilians in armed conflict. We are also honoured to have the Secretary-General with us today. In the same vein, we would like to salute the presence of the representatives of the International Committee of the Red Cross, and the United Nations Children's Fund (UNICEF), and the Special Representative of the Secretary-General for Children and Armed Conflict in the persons of

Mr. Sommaruga, Ms. Carol Bellamy and Ambassador Olara Otunnu. This is indeed a unique experience.

These three briefings, we hope, will complement the ones that were held before on related issues. We now have a global picture of the magnitude of the problem. While admitting that there are no easy solutions, we should begin by attacking the evil at its roots. I am referring to the causes of conflict, the main culprit being poverty. In fact, all three briefings we have heard underscore the need to look into the causes of conflict. It is becoming increasingly clear that poverty has the potential to constitute the single most important threat to international peace and security. It is not a mere coincidence that all three speakers drew attention to this fact. The writing is on the wall. Let us therefore act before it is too late.

The urgent need to act now is made most acute by the fact that children, who are the future of any society, are the most affected. This is why we are not surprised when, again, all three briefings clearly laid emphasis on the plight of children. My delegation would therefore invite the Council to consider seriously the peace and security agenda for children being advocated by UNICEF. Ambassador Olara Otunnu started by saying that children deserve particular attention, and he went on to develop similar aspects of the problem raised by both Ms. Bellamy and Mr. Sommaruga.

These eloquent speakers not only posed the problem, they also offered practical proposals for possible solutions. We are convinced that through concerted international effort, coupled with the necessary political will, we can surmount these difficulties. The problem of access by humanitarian actors to those in need is at the top of the list, and we cannot agree more that we have to insist on having access to the needy for the effective and efficient delivery of humanitarian assistance. Most atrocities against civilians in armed conflict are committed in places outside the reach of the international community, and the mere presence in the field of humanitarian workers, we have been told, just to witness events, is a major deterrent and could contribute greatly to the protection of civilians. This is why access to those in need is crucial in every humanitarian endeavour.

Considering that the needy are often trapped in hostile conditions, exposed to all sorts of dangers and difficulties, it goes without saying that those who risk their lives in total self-abnegation to reach out to others must be protected and minimal guarantees established to create on enabling environment for them to carry out their humanitarian operations.

The effects of sanctions on children is a cause of grave concern. When designing sanctions, it is important to contemplate the effects those sanctions might have on children and on other vulnerable groups of society. It is unacceptable that as a result of poorly targeted sanctions, infant mortality rates in some countries have increased dramatically.

One important feature in contemporary armed conflicts is the indiscriminate use of anti-personnel landmines. These, as we have learned, have accounted for an untold amount of death and destruction among civilian populations. For this reason, we welcome the coming into force of the Ottawa Convention on anti-personnel landmines. We hope that this Convention will yield the desired effects.

As we think about protecting civilians in armed conflict, the most effective protection that comes to mind is the prevention of conflict itself. The international community as a whole has an important responsibility in this regard. As we have earlier pointed out, poverty contributes immensely to the causes of conflict. The need to eradicate poverty and establish early warning systems to prevent conflict therefore needs no further emphasis.

As we are all aware, the Geneva Conventions and their Additional Protocols are applicable only to States parties. The problem we face in warfare today is that most conflicts involve groups that are not parties to the Geneva Conventions and their Additional Protocols. How do we deal with the situation? The establishment of international norms to ensure individual responsibility for atrocities committed in times of war and to ensure respect for fundamental human rights is therefore crucial.

The international community has done a lot in recent times to bring to an end the related problem of impunity. The establishment by the Security Council of the International Criminal Tribunals for Rwanda and the former Yugoslavia and the recent adoption of the Statute of the International Criminal Court (ICC) are classic examples. The coming into force of the Statute of the ICC would indeed be a fitting tribute on the fiftieth anniversary of the Geneva Conventions.

Finally, what can the Security Council do to ensure protection of civilians in armed conflict? Chapter 7 of the Charter of the United Nations provides the Security Council with the unique power to deal with conflict situations. Effective use of its provisions, including, if possible, the use of enforcement actions, can be of great

help. We hope that the Security Council in dealing with conflict situations in the future will bear in mind the problems of lack of respect for international humanitarian law and human rights law in making its decisions. We therefore agree with Mr. Sommaruga's idea of launching an appeal for the strengthening of international humanitarian law on 12 August this year. We hope that on that auspicious occasion, the international community will also do something for internally displaced persons by adopting an appropriate framework.

The President: I thank the representative of the Gambia for his kind words addressed to me.

Mr. Qin Huasun (China) (*interpretation from Chinese*): The Chinese delegation is very pleased to see Mr. Lloyd Axworthy, the Minister of Foreign Affairs of Canada, preside over today's formal meeting of the Security Council. We thank Mr. Cornelio Sommaruga, President of the International Committee of the Red Cross (ICRC); Ms. Carol Bellamy, Executive Director of the United Nations Children's Fund (UNICEF); and Mr. Olara Otunnu, Special Representative of the Secretary-General for children and armed conflict, for the briefings they just gave us. We appreciate the active efforts made by the ICRC, UNICEF and the Special Representative of the Secretary-General in protecting civilians in armed conflict around the world.

The protection of civilians in armed conflict has always been the concern of Governments and of bodies such as the General Assembly. Today many regions of the world are still plagued by armed conflict, which not only threatens peace and security in those regions and in the world at large but also brings untold suffering to the people of the countries and regions involved. Civilians are subjected to forcible displacement and violent assault. Women and children in particular, as one of the most vulnerable social groups, are most gravely affected in conflict situations. This calls for the full attention of the international community.

We believe that the ultimate way to protect civilians in armed conflict is effectively to prevent and eliminate all armed conflicts. The root cause of humanitarian crises must be addressed through ethnic reconciliation, confidence-building measures, economic development and the maintenance of national stability.

We also believe that regardless of when and where conflicts break out, the parties involved should be urged to end them as soon as possible through peaceful means; to abide strictly by the relevant international laws, including international humanitarian law; to provide, as best they can, protection and assistance to civilians; and to prevent and prohibit all forms of violent assault against civilians or attempts to impede the provision of humanitarian assistance to civilians.

The Chinese delegation maintains that the international community cannot afford to turn away from humanitarian crises. However, the current tendency in international relations to politicize humanitarian issues and interfere in a country's internal affairs under the guise of humanitarianism cannot but cause us concern. In a humanitarian crisis, the wilful invocation of Chapter VII of the Charter of the United Nations to use force, or even the unilateral use or threat of use of force, against a sovereign State without the authorization of the Security Council, with no consideration given to the specific causes of the crisis, will only complicate matters and further intensify the conflict. In this connection, we hope that the countries and organizations concerned will abide strictly by the principles of international law and the Charter of the United Nations and respect, in real earnest, the sovereignty, territorial integrity and political independence of all countries.

We call for the elimination of double standards in the humanitarian field. The international community should give equal attention to all incidents involving civilian losses in armed conflict, regardless of where they occur. In this respect, the situation in Africa has been very troubling in recent years. In some areas of the region, crises are escalating, while in others old conflicts are being rekindled. Civilians, especially women and children, are undergoing agonizing pain and sufferings. The international community should take the necessary steps to support the efforts of African countries and organizations to resolve their "hot-spot" issues and to provide meaningful and effective assistance to help keep civilians out of harm's way.

We are of the view that in the light of the nature and scope of the matter, it is appropriate that the question of the protection of civilians in armed conflict be placed on the agenda of the General Assembly and the Economic and Social Council for more thorough and comprehensive discussions. We are in favour of strengthening the Security Council's cooperation and coordination with the General Assembly and other United Nations organs. We support greater information exchange between the Security Council on the one hand and the ICRC, UNICEF, the Office of the United Nations High

Commissioner for Refugees and other organizations on the other. Once the so-called division of labour is clear, each and every organ and institutions will be able to concentrate on its own sphere of responsibility.

The Chinese Government has always attached great importance to the protection of civilians in armed conflict and participated actively in deliberations on this matter in the General Assembly and other related organs. We are in favour of the President of the Council's issuing a statement to demonstrate the attention the Council devotes to this matter.

The President: I shall now make a statement in my capacity as the representative of Canada.

(*spoke in French*)

I too should like first of all to thank Mr. Sommaruga, Ms. Bellamy and Mr. Otunnu for their presentations to the Council. Their presence here is an important milestone in the Council's deliberations. They have conveyed with honesty and clarity the precarious plight and the enormity of the problems faced by ordinary civilians caught in the grip of armed conflict.

(*spoke in English*)

I think it is true to say that the victimization of civilians in war is as old as time, but never more so than at the end of this century. As so many here have commented, what is most disturbing today and provides the global community with a compelling reason for engagement is the increasing "civilianization" of conflict itself. More than ever, non-combatants — especially, as our briefers have pointed out, the most vulnerable — are the principal targets, the instruments and, overwhelmingly, the victims of modern armed conflict. The number of casualties from armed conflict has almost doubled since the 1980s to about 1 million a year; of those, 80 per cent are civilians.

(*spoke in French*)

Our discussion leaves no doubt about the considerable threats faced by civilians or about their global dimension. Consider the brutality in Sierra Leone; "ethnic cleansing" and the slaughter of non-combatants in the Balkans; genocide and the mass movements of refugees and displaced persons in the Great Lakes region of Africa; and the emergence of modern-day warlords in failed States who take advantage of, brutalize and terrorize local residents — aided and abetted by outside arms dealers and private groups who benefit from the marketplace of conflict. Indeed, there is today a marketplace of conflict.

(*spoke in English*)

It is a fact of our time that the threats to human security — the risks that individuals, communities and people face in their daily lives — outweigh the risks to security occasioned by conflicts across borders, the more traditional concern of the Council. The promotion of human security is the bedrock upon which all other objectives of the United Nations Charter must rest — from economic and social development, to human rights and freedom, to the free flow of commerce. The dark side of globalization is the attack upon the basic integrity of people. No one can prosper or progress if they fear becoming victims of marauding child soldiers set loose by political leaders, of the drug warlords who exploit human misery, or of combatants who sow landmines without discrimination.

The point of this meeting is that the Security Council has a vital role to play in confronting these threats. There should be no mistake. Promoting the protection of civilians in armed conflict is no sideshow to the Council's mandate for ensuring international peace and security; it is central to it. The ultimate aim of the Council's work is to safeguard the security of the world's people, not just the States in which they live. Clearly, faced with the disproportionate toll that modern conflict takes on civilians, the protection of individuals should be a primary consideration in the Council's activities.

As many here have pointed out, the Council does not have to do it all; other parts of the United Nations and the wider international community have their responsibilities. However, in the absence of resolute and effective Council leadership, civilians in situations of armed conflict are left in a security void. This vacuum will be, and in some cases already is, filled by others combatants, including mercenaries, who act with little restraint and scant regard for even the most basic humanitarian standards.

Active Council engagement would reverse this situation. It would also reinforce the legitimacy of the States. It is the prerogative and the obligation of States to ensure the protection of all citizens, especially in times of armed conflict. This is the fundamental public good that the State provides. But oftentimes Governments do not or cannot provide it. Sometimes this is a consequence of weakened State structures or failed States. In these cases,

Council action to defend civilians in armed conflict will also diminish the threat to the States themselves. The reluctance to involve the Council, justified by some by the need to uphold State sovereignty, only serves, ironically, to undermine this very principle itself. The responsibility of the Council to protect civilians is therefore compelling from a human security perspective, in terms of fulfilling the Council's own mandate and in the interest of enhancing State sovereignty.

Our discussion today is a welcome acknowledgement of the Council's role. Indeed, this meeting builds upon recent initiatives by current and previous Council members, as well as the existing Council declarations and actions. In its deliberations, the Council has condemned the targeting of children in armed conflict. It has indicated a willingness to consider how to assist with the provision and protection of humanitarian assistance. It has recognized a need for peacekeeping operations to take better account of the needs of civilians and it has considered the devastating impact of arms transfers in areas of conflict. And last month, the Council considered the humanitarian impact of conflict. Awareness, as someone has said, precedes action. The Council undoubtedly is more sensitive than ever to the many dimensions of this contemporary problem.

In its practice, the Security Council decisions have begun, and I use the word begun to reflect the reality. The Council exhorts both State and non-State actors involved in conflict to comply with relevant provisions of international rights and humanitarian law that relate to protection of civilians. Peace support operations, as appropriate, include provisions relating to the security of United Nations personnel, including human rights monitors, and take special consideration for the situation of civilians. The Council's establishment of ad hoc Tribunals for the former Yugoslavia and Rwanda were concrete measures against those who violate international humanitarian law.

The Council's words and deeds to date are a promising start. However, the march of time is relentless. Civilians continue to be brutalized by the hundreds of thousands. There are no signs that we, the international community, can somehow wait this out. Our briefing today has made this urgently clear, and I thank the briefers for the eloquence and drama with which they have brought this to our attention. It makes the decline in the Council's active presence in the world's conflict areas all the more disturbing. More, not less vigorous, comprehensive and sustained action on the part of the Council is imperative.

In Canada's view, the challenges of the Council are fourfold.

First, as many members have pointed out, is the prevention of conflict. Averting the outbreak of armed conflict is the optimal means to avoid needless destruction and suffering, in particular the victimization of civilians. There is nothing new in this observation. Yet the United Nations record is not all it might be either in taking pre-emptive steps, building strong human rights institutions, ensuring early warning of impending crises, offering concerted support for peace processes or having the capacity to act quickly in the absence, for example, of the rapidly deployable mission headquarters that we and other nations have espoused. Frankly, the Council needs to reassert its leadership in this area.

The second challenge is ensuring respect for international humanitarian and human rights law. We have developed a considerable body of law and standards regulating the conduct of belligerents and the protection of civilians, both local and international in scope. In this regard, the situation of children and refugees merits our special attention. It is also important to underline, as briefers have indicated, that new standards are emerging to adapt to the changing nature of conflict, for example with regard to the treatment of internally displaced persons. However, too frequently these standards are flagrantly violated or ignored or simply left unanswered.

Thirdly, supporting the pursuit of those who violate humanitarian norms and standards is imperative. The impunity of individuals who commit gross violations of humanitarian law against others during armed conflict is a widely acknowledged problem. The Tribunals established for the former Yugoslavia and Rwanda were a step forward, but backing for a more systematic prosecution of alleged war criminals, for example through support to the International Court, should happen sooner rather than later because it is needed. There is a simple demand for it now.

Taking aim at the purveyors and instruments of war is a fourth major objective. Those who are accessories to these crimes and violations — the merchants of conflict who illicitly traffic in the means of war — can likewise not be left unaccountable. Conflict areas are awash with arms, especially military small arms and light weapons. Their abuse compounds the misery of civilians, and the flow and abuse of weapons that terrorize, maim and kill requires urgent action.

These are complicated challenges. I recognize that. There are no easy solutions. Nonetheless, we believe that the Council has the capacity to respond, provided, as our friend from Gabon has said, that there is political will.

The Council should ensure that the Secretary-General highlights the situation of civilians, especially children, in reporting to the Council. The when, why and how of Council-mandated peace missions and good offices might be re-examined thoroughly to enable the Council to act rapidly when civilians are threatened and to propose ways to give peacekeepers the authority, guidance and resources they need to defend civilians. Other innovative practices, such as how Council missions could assist in minimizing the abuse of mass media to target civilians, as suggested by Under-Secretary-General Vieira de Mello last month, also merits further exploration. The Council might also consider how to better target, design and enforce sanctions regimes, as so many members have pointed out, to maximize their impact on belligerence, to dry up the resources to wage war and to constrain those who profit from it while minimizing their effect on non-combatants.

These are only a few suggestions, and if time permitted, I would like to give a more exhaustive list. But members have also presented many ideas and there has been a good discussion today about how the Council can respond. To help in moving forward, the Council needs a comprehensive assessment that brings together the numerous challenges that we face with an inventory of possible responses. For this reason, Canada strongly welcomes the statement the Council will adopt requesting the Secretary-General to submit a report later this year containing practical, concrete recommendations for further actions to protect civilians.

If I have heard one compelling message today from virtually everyone around this table, it is that the plight of civilians in armed conflict is an urgent matter, growing and global in the threat it poses to the fundamentals of human security. It goes to the very core of the Council's mandate and deserves continued attention. The Council has a responsibility to act resolutely and vigorously. To do otherwise risks diminishing the Council's standing and opens the way to a more disorderly and far less secure world. We look forward to the Secretary-General's report and to working with other Council members to address the situation, starting now.

I now call on Mr. Sommaruga to respond to any comments or questions or thoughts that he has heard. I would just remind him that, as time goes on, economy is the watchword for the next 10 minutes.

Mr. Sommaruga (*interpretation from French*): First of all I would like to thank you, Mr. President, for having made possible this substantive, high-level meeting, which for me is an affirmation of Canada's leadership and of yours personally in humanitarian action. I would also like to express my appreciation to all members of the Council who have expressed gratitude to the International Committee of the Red Cross, particularly to its personnel working in the field in sensitive situations everyday in order to protect and assist victims and to disseminate international humanitarian law. I wish also to tell my friends Ms. Bellamy and Mr. Otunnu how very much I appreciated their statements. I learned a great deal from what they said, and I look forward to learning more from them.

The question that kept arising was that of what the Council can do. Not being a part of the United Nations system, and keen to maintain our mutual independence, I wish to respond with several points on the responsibility of States that also touch, I believe, on the responsibilities of the United Nations and the Council. These are points that have already been addressed to a certain extent, but I wish to emphasize them. They are points that might also be included in the Secretary-General's report.

First, I believe I should stress that no effort must be spared to prevent human suffering. These efforts should include education on international humanitarian law and on human values throughout the population, especially among young people.

Secondly, we must strive to gain universal adherence to humanitarian law, especially the conventions — there is one country today, for instance, that is involved in an international conflict but is not a party to the Geneva Conventions — their Additional Protocols and the Ottawa Convention, on which I had the pleasure of working with you, Mr. President. That Convention must achieve universality, as must the existing weapons protocols, such as that on blinding laser weapons.

One element has not been mentioned: the application of individual criminal jurisdiction, as laid down in the Geneva Conventions, which has no territorial or national limitations for war criminals. A fact-finding commission, as provided for in Protocol I, already exists. This commission must enjoy the broadest participation and this

provision must be invoked. In examining the Geneva Conventions, we find provisions on the Protecting Power in humanitarian law. States seem to have forgotten that, and the International Committee of the Red Cross (ICRC) constantly has to act as a substitute for the Protecting Power. But I believe that States should give some thought to this subject. Moreover, when we consider the threats that loom over peace and security, any decision on appropriate operations to ensure respect for international law must take into account a provision of humanitarian law that I would like very briefly to cite. Article 89 of Protocol I to the Fourth Geneva Convention states that:

> "In situations of serious violations of the Conventions or of this Protocol, the High Contracting Parties undertake to act, jointly or individually, in co-operation with the United Nations and in conformity with the United Nations Charter."

It is important for there to be no ambiguity on this subject. While I am here today as an independent agent, I am also here because I believe that there is a bond that allows us to say that we are not politicizing human rights.

Action must be taken with regard to arms. We have spoken of embargoes. I believe that the movement to achieve better control of the transfer of light weapons — to which we have already referred — is also very important from the point of view of international human rights law. This is the "ensure respect for" of common article 1. The person who is responsible for a transfer of arms must realize that he must ensure that humanitarian law is respected. The study to be published shortly on the consequences brought about by the availability of arms in conflicts, which was done by the International Committee of the Red Cross and which was mentioned by the Ambassador of France, will emphasize this point.

I would also like to say that we ourselves need — and this is something that I believe is a responsibility of the Security Council — is to create a humanitarian environment that provides the humanitarian space needed by institutions to be able to assist all victims. I would also like to make an appeal that the term humanitarian not be misused. I believe that when we speak of humanitarian action we must always bear in mind its independence, impartiality and neutrality and not allow the term to be employed in reference to actions that do not have a humanitarian character.

I would like to close by saying that we must never forget the provisions of common article 3 of the four Geneva Conventions, which I would like to consider a mini-convention in and of itself. This has to do with conflicts that are not of an international nature and is aimed at ensuring that not only States but also the other actors in non-international armed conflicts abide by basic humanitarian rules.

You, Mr. President, and the members of the Security Council have demonstrated the political will to act. I believe that you have shown your sense of responsibility. At a time when we speak so much about globalization — of communications, of economy, what we desire, and what you have contributed to today is the globalization of responsibility.

The President: I thank Mr. Sommaruga for taking the time to be here today.

I now give the floor to Ms. Bellamy to respond to comments.

Ms. Bellamy: Mr. President, I will be guided by your suggestion of economy and try to avoid any repetition. Let me just say that we are very appreciative and that we thank you very much for your personal leadership and for that of your Government, as well as for the invitation by the Council to participate in this briefing today.

I very much appreciate the kind words of support and encouragement for the work of the United Nations Children's Fund (UNICEF). It is really the wonderful staff of UNICEF; they are some of those civilians who are out there, and I would like to express my appreciation on their behalf.

The clearly increasing recognition of the rapidly changing nature of armed conflicts in the world is today's reality. Factors to be considered are the parties — State or non-State; the role of the private sector, unfortunately, in some places; the victims and victimizers — sometimes the same; the use of modern weaponry; and the impact on civilians, particularly children and women. So it is, then, a challenge in which traditional responses need to be questioned. Thus, the opportunity to appear today and to comment, in the realization that it is part of an ongoing process involving my colleagues with whom we work in the field — a few weeks ago Mr. Sergio Vieira de Mello was here to comment — is all part, we hope, of a very hopeful sign of the actions that might take place.

I think it is fair to say that today's discussions and briefings presented, I hope, some very concrete, practical

ideas. We think that it is very important to do that, because sometimes it seems that the discussions in this building are quite far removed from what is actually going on in the field. So it seems to me that it is our collective responsibility to the people to whom we attempt to respond to be as concrete, specific, real and practical as we can.

We very much welcome the Council's engagement and look forward to the next steps and to the report of the Secretary-General. Let me just assure the Council that we stand ready, along with the other members of the United Nations family and our colleagues beyond the United Nations family, to try to assist in any way we can with information or with briefings. We are here for the Council whenever it wishes to avail itself of the information we have. We are here to try to assist.

The President: I would like to thank Ms. Bellamy for the good work of the United Nations Children's Fund and for the indication of ongoing cooperation.

I now call on Mr. Otunnu.

Mr. Otunnu: First of all, the representative of the Russian Federation made the point that some of the ideas I put on the table go beyond the responsibility of the Security Council. He is entirely right. I presented a broad menu of ideas and possible initiatives, hoping very much that the Council will provide the critical leadership, but acknowledging that there are other actors within and outside the United Nations whose own responsibilities and mandates will necessarily be engaged.

Secondly, I very much agree with the observation made that, in our advocacy work, in our undertaking of initiatives, humanitarian action should necessarily be consistent with the principles and the provisions of the United Nations Charter. That is the spirit in which I am conducting my own work.

Thirdly, the point was made quite rightly when I called for engaging the business community and encouraging it to develop a voluntary code of conduct. First, it has to be voluntary. No suggestion is being made here to impose or to regulate the activities of business entities. Secondly, this is not entirely unprecedented; there are other areas in which an industry has begun to self-regulate and to have some codes of conduct. My suggestion would be to encourage this in the particular context of particularly unacceptable abuses in situations of conflict, where the activities of the business community provides a certain machinery and fuels the abuse against civilian populations. I also hope very much that this in fact might constitute one element that can help to concretize the Secretary-General's very important appeal, made a few days, for a compact between the United Nations and the business community.

Fourthly, the question was asked about my position on the imposition of sanctions. Well, the impact of sanctions on children is very much an integral part of my mandate and, indeed, my views have been well expressed elsewhere. I did not want to repeat them here, but indeed I am very much concerned about the impact of sanctions on children. I have been deeply engaged with Mwalimu Nyerere in the context of Burundi. I am delighted the sanctions have been lifted and have some ideas about other sanctions situations.

I also agree very much with the point that has been made that it is so important that humanitarian action not be politicized, in the sense of not being exploited for political purposes independent of the protection of the civilian population. This would give humanitarian action a very bad name and in the long term would jeopardize the protection precisely of those around whom we seek to build a wall of protection.

Where do non-State actors come into the picture? The question was asked by the representatives of the Netherlands and Gambia. In my own work, I have made it my obligation to engage all entities in situations of conflict whose actions have an impact on children, for better or for worse, without prejudice to their political or juridical status, but with a view to getting them to take measures that can provide the broadest possible protection to children. Thus, in Sri Lanka, I did make contact with the Liberation Tigers of Tamil Eelam; in Sudan, I made contact with the Sudanese People's Liberation Movement and will do so again in a few weeks; in Sierra Leone, with the Civil Defence Forces, a paramilitary group in that country.

Finally, let me say again that the situation of internally displaced persons is grave. It is an important challenge to the international community. There is some urgency about developing an agreed framework more systematically to provide protection to this especially affected category of vulnerable persons.

In conclusion, let me just say how much I appreciate this initiative, your personal presence here today, Sir, and the very important commitment and leadership which Canada, your country, and you personally have been

providing in this area. I look forward to working very closely with you to try to translate some of these ideas into concrete measures on the ground that might make a small difference to the protection of civilians, especially children and women.

The President: I thank Mr. Otunnu for his kind remarks and his own leadership in a very crucial area.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 2.05 p.m.

United Nations S/PV.3978

Security Council
Fifty-fourth Year

Provisional

3978th Meeting
Friday, 12 February 1999, 2.05 p.m.
New York

President:	Mr. Axworthy	(Canada)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Valle
	China	Mr. Qin Huasun
	France	Mr. Dejammet
	Gabon	Mr. Dangue Réwaka
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mrs. Ashipala-Musavyi
	Netherlands	Mr. Hamer
	Russian Federation	Mr. Zmeevski
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Mr. Taylor
	United States of America	Mr. Burleigh

Agenda

Protection of civilians in armed conflict

99-85112 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 2.05 p.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President: The Security Council will now resume its consideration of the item on its agenda.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

(*spoke in French*)

"The Security Council has considered the matter of protection of civilians in armed conflict.

"The Security Council expresses its grave concern at the growing civilian toll of armed conflict and notes with distress that civilians now account for the vast majority of casualties in armed conflict and are increasingly directly targeted by combatants and armed elements. The Council condemns attacks or acts of violence in situations of armed conflict directed against civilians, especially women, children and other vulnerable groups, including also refugees and internally displaced persons, in violation of the relevant rules of international law, including those of international humanitarian and human rights law.

(*spoke in English*)

"The Security Council is especially concerned about attacks on humanitarian workers, in violation of the rules of international law.

"The Security Council notes that large-scale human suffering is a consequence and sometimes a contributing factor to instability and further conflict, whether due to displacement, violent assault or other atrocities. Bearing in mind its primary responsibility for the maintenance of international peace and security, the Council affirms the need for the international community to assist and protect civilian populations affected by armed conflict. The Council calls upon all parties concerned to ensure the safety of civilians and guarantee the unimpeded and safe access of United Nations and other humanitarian personnel to those in need. In this regard, the Council recalls the statement of its President of 19 June 1997 (S/PRST/1997/34) and also recalls its resolution 1208 (1998) of 19 November 1998 on the status and treatment of refugees.

"The Security Council expresses particular concern at the harmful impact of armed conflict on children and, in this regard, recalls the statement of its President of 29 June 1998 (S/PRST/1998/18).

"The Security Council calls upon all parties concerned to comply strictly with their obligations under international law, in particular their relevant obligations under the Hague Conventions, the Geneva Conventions of 1949 and their Additional Protocols of 1977, and the United Nations Convention on the Rights of the Child of 1989, as well as with all decisions of the Security Council.

"The Security Council strongly condemns the deliberate targeting by combatants of civilians in armed conflict and demands that all concerned put an end to such violations of international humanitarian and human rights law. The Council expresses its willingness to respond, in accordance with the Charter of the United Nations, to situations in which civilians, as such, have been targeted or humanitarian assistance to civilians has been deliberately obstructed.

"The Security Council also condemns all attempts to incite violence against civilians in situations of armed conflict and calls upon States to fulfil their obligations to take action at the national level. The Council affirms the need to bring to justice, in an appropriate manner, individuals who incite or cause violence against civilians in situations of armed conflict or who otherwise violate international humanitarian and human rights law. In this regard, the Council reaffirms the importance of the work being done by the ad hoc Tribunals for the former Yugoslavia and Rwanda and calls upon all States to cooperate with the Tribunals, in accordance with the relevant Security Council resolutions. The Council acknowledges the historic significance of the adoption of the Rome Statute of the International Criminal Court.

"The Security Council notes the deleterious impact of the proliferation of arms, in particular small arms, on the security of civilians, including refugees and other vulnerable populations. In this

regard, it recalls its resolution 1209 (1998) of 19 November 1998 which, *inter alia*, stressed the importance of all Member States, and in particular States involved in manufacturing and marketing of weapons, restricting arms transfers which could provoke or prolong armed conflicts or aggravate existing tensions or armed conflicts in Africa, and which urged international collaboration in combating illegal arms flows in Africa.

"The Security Council expresses concern over the widening gap between the rules of international humanitarian law and their application. The Council welcomes the commemorative events planned to mark the fiftieth anniversary of the Geneva Conventions and the centenary of the First International Peace Conference of The Hague. These occasions provide an opportunity for a further exploration of ways and means by which the international community may enhance the compliance of parties to an armed conflict with the relevant rules of international law, including those of international humanitarian law.

"The Security Council welcomes the continuing contribution to the implementation of international humanitarian law of the International Committee of the Red Cross.

"The Security Council considers that a comprehensive and coordinated approach by Member States and international organizations and agencies is required in order to address the problem of the protection of civilians in situations of armed conflicts. To this end, the Council requests the Secretary-General to submit a report containing concrete recommendations to the Council by September 1999 on ways the Council, acting within its sphere of responsibility, could improve the physical and legal protection of civilians in situations of armed conflict. The report should also identify contributions the Council could make towards effective implementation of existing humanitarian law. The report should examine whether there are any significant gaps in existing legal norms, through the review of recent reports in this regard. The Council encourages the Secretary-General to consult the Inter-Agency Standing Committee in formulating his recommendations.

"The Security Council affirms its intention to review the recommendations of the Secretary-General in accordance with its responsibilities under the Charter of the United Nations."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1999/6.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

I might also add my personal thanks to all members of the Council for their commitment to this briefing, for their attention and for the eloquent statements that they have all made. We look forward to the report.

The meeting rose at 2.15 p.m.

United Nations S/PV.3979

Security Council

Fifty-fourth Year

Provisional

3979th Meeting

Thursday, 18 February 1999, 12.40 p.m.

New York

President:	Mr. Fowler	(Canada)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Cordeiro
	China	Mr. Chen Xu
	France	Mr. Dejammet
	Gabon	Mr. Essonghé
	Gambia	Mr. Faal
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Netherlands	Mr. Scheffers
	Russian Federation	Mr. Granovsky
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Burleigh

Agenda

The situation in the Central African Republic

Letter dated 9 February 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Central African Republic to the United Nations addressed to the President of the Security Council (S/1999/132)

99-85125 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 12.40 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Central African Republic

Letter dated 9 February 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Central African Republic to the United Nations addressed to the President of the Security Council (S/1999/132)

The President (*interpretation from French*): I should like to inform the Council that I have received a letter from the representative of the Central African Republic, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Poukré-Kono (Central African Republic) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them a letter dated 9 February 1999 from the Chargé d'affaires *ad interim* of the Permanent Mission of the Central African Republic to the United Nations addressed to the President of the Security Council, document S/1999/132.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council, noting the letter of 9 February 1999 from the President of the Central African Republic to the President of the Council (S/1999/132), takes note with satisfaction of the commitment expressed by the President of the Central African Republic to maintain peace in the Central African Republic through dialogue and consultation. In this context, it strongly reaffirms that the complete implementation of the Bangui Agreements (S/1997/561, appendices III-VI) and of the National Reconciliation Pact (S/1998/219) is essential to peace and national reconciliation in the Central African Republic.

"The Security Council calls upon the Government of the Central African Republic to continue to take concrete steps to implement political, economic, social and security reforms as referred to in the report of the Secretary-General of 23 February 1998 (S/1998/148) and to fulfil the commitments expressed in the letters of 8 January 1998 (S/1998/61, annex) and of 23 January 1999 (S/1999/98, annex) to the Secretary-General by the President of the Central African Republic. It recalls that the success, the future mandate and the ongoing presence of the United Nations Mission in the Central African Republic are closely linked to the fulfilment of these commitments, in particular the immediate resumption of a constructive political dialogue.

"The Security Council expresses its concern about the consequences that the current political tensions have for the stability and the functioning of the institutions of the Central African Republic. It reaffirms that the Government, the political leaders and the people of the Central African Republic bear the primary responsibility for national reconciliation, the maintenance of a stable and secure environment and the reconstruction of their country. It emphasizes the importance of continuing efforts in the Central African Republic to settle outstanding contentious issues peacefully and democratically in accordance with the Bangui Agreements. It stresses the need for both the "mouvance présidentielle" and the opposition parties to cooperate closely and work actively with the aim of achieving the political consensus indispensable to stability in the Central African Republic.

"The Security Council considers that a smooth preparation of free and fair presidential elections, for which proper steps should be taken as soon as possible, requires a certain level of political consensus and the opening of a genuine dialogue between all the constituent parties of the National Assembly. It also considers that consensual preparation for the presidential elections can only

reinforce the legitimacy of the next President of the Republic and also secure a sustainable civil peace. It fully supports the Special Representative of the Secretary-General in his call to the Central African political leaders and authorities to resolve the political impasse so the country can move forward, and welcomes the current efforts undertaken to this end.

"The Security Council will remain seized of the matter."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1999/7.

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 12.45 p.m.